

# **FIRST DAY**

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**TUESDAY, JANUARY 14, 1997**

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## **PROCEEDINGS**

In accordance with the Constitution and Laws of the State of Texas, the Senate of the Seventy-fifth Legislature met in the Senate Chamber of the State Capitol on Tuesday, the fourteenth day of January, 1997, at 12:00 noon.

The Honorable Bob Bullock, Lieutenant Governor and President of the Senate, called the Senate to order.

The Reverend John R. Pitts, Chaplain of the Texas Senate, offered the invocation as follows:

We gather this day for a new beginning. A day when some drove through sleet and snow to be present for this new beginning. A day when the rhetoric comes to an end and the work begins.

We gather with hopes. We gather with plans. We gather to respond—respond to what the people of this great state desire and expect and deserve from its leadership.

As we gather may we do so setting aside our own personal gains—setting aside sound bites which can ensure attention—setting aside any fears which keep us from responding to what You, God, desire for this Senate.

God, we ask that You remove from us any barrier which separates us from You and one another. We ask that You remove the barrier of partisanship, whether that be expressed in the form of Democrat or Republican; rural, suburban, or urban; West or East Texan; North or South Texan; Anglo, Hispanic, or African American—for we are all Texans striving to do what is best for Texas.

God, I ask that You bless the leadership of this Senate—Lieutenant Governor Bullock, the Senators, Betty King, and each of their staffs.

And, God bless Texas. Amen.

## **INTERPRETER FOR THE DEAF**

The interpretation of the proceedings of the Senate was provided by Ella Anderson.

## **APPOINTMENT OF TEMPORARY OFFICERS**

The President announced the appointment of the following temporary officers of the Senate:

Secretary of the Senate—Betty King  
Calendar Clerk—Pat Rodgers  
Doorkeeper—Don Long  
Engrossing and Enrolling Clerk—Patsy Spaw  
Journal Clerk—Dianne Arrington  
Sergeant-at-Arms—Carleton Turner

### ROLL CALL OF SENATORS

The President directed the Secretary of the Senate to call the roll of the present Members of the Senate.

The roll was called and the following Senators answered to their names:

The Honorable Ken Armbrister, representing the Eighteenth Senatorial District composed of: Aransas, Austin, Bastrop, Caldwell, Calhoun, Colorado, DeWitt, Fayette, part of Fort Bend, Goliad, Gonzales, part of Guadalupe, part of Hays, Jackson, Karnes, Lavaca, Matagorda, Refugio, Victoria, and Wharton counties.

The Honorable Teel Bivins, representing the Thirty-first Senatorial District composed of: Andrews, Bailey, Cochran, Dallam, Deaf Smith, part of Ector, Gaines, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Midland, Moore, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Winkler, and Yoakum counties.

The Honorable J. E. "Buster" Brown, representing the Seventeenth Senatorial District composed of: Part of Brazoria, part of Fort Bend, and part of Harris counties.

The Honorable John Carona, representing the Sixteenth Senatorial District composed of: Part of Dallas and part of Rockwall counties.

The Honorable Robert Duncan, representing the Twenty-eighth Senatorial District composed of: Borden, Crane, Crosby, part of Culberson, Dawson, part of Ector, part of El Paso, Garza, Glasscock, Hale, Hockley, Howard, Hudspeth, Irion, Lamb, Loving, Lubbock, Lynn, Martin, Reagan, part of Reeves, Sterling, Terry, part of Tom Green, Upton, and Ward counties.

The Honorable Rodney Ellis, representing the Thirteenth Senatorial District composed of: Part of Fort Bend and part of Harris counties.

The Honorable Mario V. Gallegos, Jr., representing the Sixth Senatorial District composed of: Part of Harris County.

The Honorable Michael L. Galloway, representing the Fourth Senatorial District composed of: Chambers, part of Galveston, part of Harris, Jefferson, Liberty, part of Montgomery, and Orange counties.

The Honorable Tom Haywood, representing the Thirtieth Senatorial District composed of: Archer, Armstrong, Baylor, Briscoe, Carson, Castro, Childress, Clay, part of Collin, Collingsworth, Cooke, Cottle, part of Denton, Dickens, Donley, Fisher, Floyd, Foard, Grayson, Hall, Hardeman, Haskell, Jones, Kent, King, Knox, Montague, Motley, Scurry, Stonewall,

Swisher, part of Taylor, Throckmorton, Wheeler, Wichita, and Wilbarger counties.

The Honorable Frank Madla, representing the Nineteenth Senatorial District composed of: Part of Atascosa, part of Bexar, Brewster, Crockett, part of Culberson, Edwards, Jeff Davis, Kinney, Maverick, part of Medina, Pecos, Presidio, Real, part of Reeves, part of Sutton, Terrell, part of Uvalde, and Val Verde counties.

The Honorable Jerry Patterson, representing the Eleventh Senatorial District composed of: Part of Brazoria, part of Galveston, and part of Harris counties.

The Honorable Bill Ratliff, representing the First Senatorial District composed of: Bowie, Camp, Cass, Delta, Franklin, Gregg, Harrison, Hopkins, Lamar, Marion, Morris, Red River, Rusk, part of Smith, Titus, and Upshur counties.

The Honorable David Sibley, representing the Twenty-second Senatorial District composed of: Bosque, Comanche, part of Denton, Eastland, Erath, Hamilton, Hill, Hood, Jack, part of Johnson, part of McLennan, Palo Pinto, part of Parker, Somervell, part of Tarrant, and Wise counties.

The Honorable Carlos F. Truan, representing the Twentieth Senatorial District composed of: Brooks, part of Hidalgo, Jim Wells, Kenedy, Kleberg, Nueces, San Patricio, and Willacy counties.

The Honorable Royce West, representing the Twenty-third Senatorial District composed of: Part of Dallas and part of Tarrant counties.

#### **MESSAGE FROM THE SECRETARY OF STATE**

The following Message from the Secretary of State was read and was filed with the Secretary of the Senate:

#### **THE STATE OF TEXAS Secretary of State**

I, ANTONIO O. GARZA, JR., Secretary of State of the State of Texas, DO HEREBY CERTIFY that according to the records of this office the attached is a true and correct list, in alphabetical order, of the members of the Senate of the 75th Legislature, 1997, whose election on November 5, 1996, has been duly and legally certified to this office.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused to be impressed hereon the Seal of State at my office in the City of Austin, Texas this 6th day of January, A.D. 1997.

/s/Antonio O. Garza, Jr.  
Secretary of State

#### **ROLL CALL OF SENATORS-ELECT**

The President directed the Secretary of the Senate to call the roll of the Senators-elect as certified by the Secretary of State.

The roll was called and the following Senators-elect answered to their names:

The Honorable Gonzalo Barrientos, representing the Fourteenth Senatorial District composed of: Part of Hays and part of Travis counties.

The Honorable David Cain, representing the Second Senatorial District composed of: Part of Dallas, part of Ellis, Fannin, Hunt, Kaufman, Rains, part of Rockwall, part of Smith, Van Zandt, and Wood counties.

The Honorable Troy Fraser, representing the Twenty-fourth Senatorial District composed of: Bell, Brown, Burnet, Callahan, Coke, Coleman, Concho, Coryell, Lampasas, part of Llano, McCulloch, Menard, Mills, Mitchell, Nolan, Runnels, San Saba, Shackelford, Stephens, part of Taylor, and Young counties.

The Honorable Chris Harris, representing the Tenth Senatorial District composed of: Part of Johnson, part of Parker, and part of Tarrant counties.

The Honorable Jon Lindsay, representing the Seventh Senatorial District composed of: Part of Harris County.

The Honorable Eddie Lucio, Jr., representing the Twenty-seventh Senatorial District composed of: Cameron and part of Hidalgo counties.

The Honorable Gregory Luna, representing the Twenty-sixth Senatorial District composed of: Part of Bexar County.

The Honorable Mike Moncrief, representing the Twelfth Senatorial District composed of: Part of Tarrant County.

The Honorable Jane Nelson, representing the Ninth Senatorial District composed of: Part of Dallas, part of Denton, part of Ellis, and part of Tarrant counties.

The Honorable Drew Nixon, representing the Third Senatorial District composed of: Anderson, Angelina, Cherokee, Hardin, Henderson, Jasper, part of Montgomery, Nacogdoches, Newton, Panola, Polk, Sabine, San Augustine, San Jacinto, Shelby, part of Smith, and Tyler counties.

The Honorable Florence Shapiro, representing the Eighth Senatorial District composed of: Part of Collin and part of Dallas counties.

The Honorable Eliot Shapleigh, representing the Twenty-ninth Senatorial District composed of: Part of El Paso County.

The Honorable Jeff Wentworth, representing the Twenty-fifth Senatorial District composed of: Bandera, part of Bexar, Blanco, part of Comal, Gillespie, part of Guadalupe, Kendall, Kerr, Kimble, part of Llano, Mason, part of Medina, Schleicher, part of Sutton, part of Tom Green, part of Travis, and part of Williamson counties.

The Honorable John Whitmire, representing the Fifteenth Senatorial District composed of: Part of Harris County.

The Honorable Judith Zaffirini, representing the Twenty-first Senatorial District composed of: Part of Atascosa, Bee, part of Bexar, part of Comal, Dimmit, Duval, Frio, part of Guadalupe, part of Hidalgo, Jim Hogg, La Salle, Live Oak, McMullen, Starr, part of Uvalde, Webb, Wilson, Zapata, and Zavala counties.

To be elected: District 5.

#### **OATH OF OFFICE ADMINISTERED TO SENATORS-ELECT**

The President directed the Senators-elect to proceed to the Bar of the Senate.

Chief Justice Thomas Phillips administered the Constitutional Oath of Office to the Senators-elect as follows:

I, \_\_\_\_\_, do solemnly swear, that I will faithfully execute the duties of the office of Senator of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State, so help me God.

#### **QUORUM**

The President announced that a quorum of the Senate was present.

#### **CAPITOL PHYSICIAN**

Senator Armbrister was recognized and presented Dr. Thomas E. Mueller of La Grange as the "Doctor for the Day."

The Senate welcomed Dr. Mueller, accompanied by his daughter Leslie, and thanked him for his participation in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

#### **SENATE RESOLUTION 4**

Senator Brown offered the following resolution:

WHEREAS, The Senate of the State of Texas is proud to recognize the Physician of the Day program, which celebrates its 25th anniversary this year; and

WHEREAS, Members of the Texas Academy of Family Physicians travel from their homes and practices across the state each legislative session, generously volunteering their time and knowledge, to serve the Texas Legislature and those active in the legislative process; and

WHEREAS, Physicians of the Day perform a great service by responding to medical emergencies, treating a wide variety of ailments, and monitoring the health of those working away from their personal physicians; and

WHEREAS, Each legislative session, a countless number of individuals receive excellent health care on the Capitol grounds by the Physician of the Day, without having to leave their work; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 75th Legislature, hereby commend those serving in the Physician of the Day program and express gratitude to all associated with the program in the past and in the future; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the Texas Academy of Family Physicians as an expression of appreciation from the Texas Senate.

The resolution was read.

On motion of Senator Truan and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Brown, the resolution was adopted by a viva voce vote.

**SENATE RESOLUTION 1**  
**(Caucus Report)**

Senator Truan offered the following resolution:

BE IT RESOLVED BY THE SENATE OF THE STATE OF TEXAS:

SECTION 1. CAUCUS REPORT. At a caucus held in the offices of the senate attended by — members of the senate, the caucus made the recommendations for the operation of the senate contained in this resolution.

SECTION 2. SENATE OFFICERS. (a) Senate officers for the 75th Legislature are:

- (1) Secretary of the Senate—Betty King;
- (2) Calendar Clerk—Patricia Rodgers;
- (3) Doorkeeper—Don Long;
- (4) Enrolling Clerk—Patsy Spaw;
- (5) Journal Clerk—Dianne Arrington; and
- (6) Sergeant-at-arms—Carleton Turner.

(b) Officers named in this section serve at the will of the senate.

SECTION 3. PARLIAMENTARIAN. The parliamentarian, Walter Fisher, is to be named by the lieutenant governor and shall serve at the will of the lieutenant governor. The parliamentarian is a senate officer.

SECTION 4. EMPLOYEES. (a) The lieutenant governor may employ staff for the office of the lieutenant governor at salaries set by the lieutenant governor.

(b) Each senator may employ staff for the senator's office at salaries set by the senator.

(c) The chairman of each committee may employ staff of the chair's selection as needed by the committee. A committee employee shall be compensated in amounts similar to the compensation paid to persons in similar senate positions.

(d) The secretary of the senate may employ other staff necessary for the operation of the senate at salaries approved by the administration committee.

(e) The lieutenant governor, the secretary of the senate, and each senator may use the assistance of any assistant sergeant-at-arms or other available senate employee for any and all services needed in and about the senate.

(f) In this resolution, "senate employee" includes an employee of the lieutenant governor, the secretary of the senate, a senator, a senate committee, and any other person compensated from funds appropriated for the operation of the senate.

**SECTION 5. DUTIES OF ADMINISTRATION COMMITTEE.** (a) In addition to the duties of the administration committee expressly imposed by this resolution, the committee shall take actions necessary to ensure that the administrative operations of the senate comply with applicable law and are conducted effectively and efficiently.

(b) The committee shall establish appropriate and necessary controls over contracts, inventory, and property management.

(c) The committee may delegate any of its responsibilities to the committee chair, or to the secretary of the senate or another appropriate senate officer, to be performed under the general supervision of the committee.

(d) Policies adopted by the administration committee must be consistent with the provisions of this resolution. To the extent of a conflict between a policy and this resolution, this resolution prevails.

(e) Policies adopted by the administration committee are subject to the will of the senate, and a majority of the senate may reject or modify any policy adopted by the committee.

**SECTION 6. EMPLOYMENT AND PERSONNEL POLICIES.** (a) The administration committee may adopt and enforce personnel and employment policies governing senate employees.

(b) The administration committee may not adopt a policy that limits the salary of an employee of the lieutenant governor, a senator, or a senate committee, except that the administration committee may require approval by that committee of any senate committee employee salary that is proposed to exceed \$5,000 a month.

**SECTION 7. MEMBER'S EMPLOYEE LEAVE POLICY.** (a) An employee of a senator accrues vacation leave, compensatory leave, or sick leave in accordance with policies adopted by the senator consistent with the requirements of this section.

(b) An employee may accrue vacation leave, compensatory leave, or sick leave only if the employee files a monthly time record with the senate personnel office. Time records are due not later than the 10th day of the following month.

(c) Compensatory time must be used not later than the last day of the 12th month following the month in which the time was accrued.

(d) An employee is not entitled to compensation for accrued but unused compensatory time.

**SECTION 8. OUTSIDE EMPLOYMENT.** An employee of the senate may not be employed by and receive compensation from any other person during the term of senate employment without the permission of the employee's senate employer.

**SECTION 9. WORK HOURS.** An employee shall report to work at the time, and work for the number of hours set by, the employee's senate employer.

**SECTION 10. LIMIT ON MONTHLY STAFF SALARY AND TRAVEL EXPENSES.** (a) The total amount of staff salaries and intrastate staff travel expenses for each senator may not exceed \$25,000 a month.

(b) Any unexpended portion of this monthly amount may be carried forward from one month to the next and expended until the end of the fiscal year.

**SECTION 11. SENATORS' EXPENSE REIMBURSEMENT AND PER DIEM.** The secretary of the senate shall provide for the reimbursement of the expenses of each senator and the payment of each senator's per diem in accordance with law, this resolution, and the rules of the Texas Ethics Commission.

**SECTION 12. OTHER SENATE EXPENSES.** (a) The lieutenant governor, the secretary of the senate, and each senator may incur expenses for carrying out official duties, including expenses for items such as subscriptions, stationery, postage, and telecommunications.

(b) Expenses under this section shall be paid from the contingent expense fund of the senate.

**SECTION 13. PAYMENT OF SALARIES AND EXPENSES.**

(a) Salaries and expenses authorized by this resolution shall be paid from the contingent expense fund as provided by this section.

(b) Vouchers for payment of any expense, including salaries and travel expenses, must be signed by the chair of the administration committee and the secretary of the senate.

(c) The administration committee shall adopt policies regarding the presentation of timely, properly completed, and signed vouchers.

**SECTION 14. DESIGNATION FOR ATTENDANCE AT MEETINGS AND FUNCTIONS.** (a) The administration committee shall designate a senator or any employee to attend an official meeting of a national governmental organization during the regular session of the 75th Legislature. The person designated is entitled to reimbursement for actual and necessary expenses.

(b) The lieutenant governor may designate a senator to represent the senate at ceremonies and ceremonial functions. The necessary expenses of the senator and necessary staff for this purpose shall be paid pursuant to a budget adopted by the administration committee.

**SECTION 15. FURNISHING OF INFORMATION BY SENATE EMPLOYEE.** An employee of the senate may not furnish any information to any person other than general information pertaining to the senate and routinely furnished to the public. This section does not apply to an employee of the lieutenant governor, an individual senator, or a committee.

**SECTION 16. ELECTRONIC RECORDING BY MEMBER PROHIBITED.** No member of the senate may electronically record a private conversation held within the brass rail on the senate floor during a legislative session without the knowledge and consent of all participants to the conversation.

**SECTION 17. JOURNAL.** The secretary of the senate shall provide for the printing of not more than 700 copies of the daily journal. Of that number:

- (1) 175 shall be furnished to the house of representatives;
- (2) 60 shall be furnished to the Legislative Reference Library; and
- (3) the remainder shall be apportioned among the senators and the lieutenant governor.

The resolution was read and was adopted by the following vote:  
Yeas 30, Nays 0.

**OATH OF OFFICE ADMINISTERED  
TO OFFICERS OF THE SENATE**

The President directed the officers of the Senate to proceed to the Bar of the Senate.

Chief Justice Thomas Phillips administered the Constitutional Oath of Office to the officers as follows:

I, \_\_\_\_\_, do solemnly swear, that I will faithfully execute the duties of the office of \_\_\_\_\_ of the Texas Senate, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State, so help me God.

**ELECTION OF PRESIDENT PRO TEMPORE  
SEVENTY-FIFTH LEGISLATURE, REGULAR SESSION**

The President announced the time had arrived for the election of the President Pro Tempore for the Regular Session of the 75th Legislature.

Senator Truan placed in nomination the name of Senator Judith Zaffirini of Webb County as the President Pro Tempore of the Senate, 75th Legislature, Regular Session.

Senators Nelson, Brown, Lucio, Moncrief, Bivins, Barrientos, Ratliff, Shapiro, Whitmire, Wentworth, and Armbrister seconded the nomination.

The President declared that the Honorable Judith Zaffirini had been duly elected President Pro Tempore of the 75th Legislature, Regular Session, by a viva voce vote and appointed Senators Armbrister, Moncrief, Nelson, Ratliff, and Truan to escort Senator Zaffirini to the President's rostrum.

**OATH OF OFFICE ADMINISTERED**

Chief Justice Thomas Phillips administered the Constitutional Oath of Office to Senator Zaffirini as President Pro Tempore of the 75th Legislature, Regular Session, as follows:

I, Judith Zaffirini, do solemnly swear, that I will faithfully execute the duties of the office of President Pro Tempore of the Senate of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State, so help me God.

**ADDRESS**

Senator Zaffirini addressed the Senate as follows:

Governor Bullock, Mr. Chief Justice, distinguished Members of the Texas Senate, friends and family of all of the Members of the Texas Senate, thank you so very, very much for this great honor. It is a wonderful honor because it reflects the greatest traditions of the Texas Senate, our belief and our support in the seniority system, and

in Senatorial courtesy, and if what Shakespeare said is true, that our praises are our wages, then I just got a raise, and the only raise that we're going to get this session.

So many of the Members spoke so warmly, so generously, and I appreciate every kind comment that was made. But, I especially noted the comments of my friend, Senator Jane Nelson, who said that some believe that women must work harder. She reminded me of one of my favorite statements by Charlotte Whitton who said, "Whatever women do, we must do twice as well as men in order to be thought half as good." Then she added, "Luckily, this is not difficult." Incredibly, however, of the 338 Texans who have served as President Pro Tempore of the Texas Senate, only four others have been women. One of the reporters asked me this morning if I were really proud to be only the fifth woman to serve as President Pro Tempore of the Texas Senate. I said, "Frankly, it is disappointing and it is sad." For you and I know that we need more women in public office, but we also know that when we who are Senators rise in the Senate, we do not rise as men or women, as Republicans or Democrats, we rise as Members of the Senate who represent our respective districts and are all committed to balancing the needs of our great state.

There are those who are worried about this session because of partisanship. I am not worried at all and, as I said to one of the reporters today who asked me, "How do you as a Democrat feel about a Republican majority for the first time in so many years?" And I said, "Frankly, some of my best friends are Republicans." So I am not worried. Because every Member of this wonderful body is committed, is dedicated, is serious and hardworking, and under the leadership of our brilliant Lieutenant Governor, Bob Bullock, and working with Governor George Bush and Speaker Pete Laney, I am confident that we will succeed in representing the people of Texas and you know what they expect from us: better access to higher education and to quality education at all levels, greater access to an excellent health care system. They expect us to address issues such as welfare reform and Medicaid reform, tort reform, economic development, even utilities, and do all this without raising taxes. You and I will work hard, Members, every day of this session and my prayers will include not only every Member of this body, but also your families, because I do care about your spouses and about your children.

I regret deeply that my husband and my son were weathered in, as was my sister, Celita Borchers. One of my sisters, Josie Pappas, is with us today, as are other representatives of our district, and I'm delighted to share this honor with them. But, what I'd like to do today is to ask all of the children, including the teenagers who are here today, to please stand so that we can recognize you in the Texas Senate, and those of you who have babies, please stand and carry them. All of the children and the teenagers who are here today, please stand. It is for them that we work—for their future and our future.

And they certainly will be our leaders in a few years. So we dedicate this session to the children, including the teenagers of the district, and pledge to them that we will do our absolute best.

And, Members, my pledge to you is that I will continue to arrive at my office right after 4:00, even when Governor Bullock is out of the state. I will continue to include Governor Bullock in my prayers. Always. Including his good health. But, I will especially continue my prayer and ask the Lord to always inspire Governor Bullock to agree with me in everything that I request.

May God bless all of you and may God bless Texas. Thank you for this wonderful honor. Muchisimas gracias. Thank you.

#### **GAVEL PRESENTED**

The President presented Senator Zaffirini, President Pro Tempore of the 75th Legislature, with a gavel to perform her duties.

#### **APPRECIATION EXTENDED**

The President extended his thanks to Chief Justice Phillips for his assistance in the opening session of the 75th Legislature.

#### **SENATE RESOLUTION 3**

Senator Brown offered the following resolution:

BE IT RESOLVED by the Senate of the State of Texas, That the Rules of the 74th Legislature are adopted as the Permanent Rules of the 75th Legislature with the following modifications:

#### **RULES OF THE SENATE OF THE 75TH TEXAS LEGISLATURE STATEMENT OF AUTHORIZATION AND PRECEDENCE**

Pursuant to and under the authority of Article III, Section 11, of the Constitution of 1876, as amended, and notwithstanding any other provision of statute, the Senate adopts the following rules to govern its operations and procedures. The provisions of these rules and of the Constitution shall be deemed the only requirements binding on the Senate, notwithstanding any other requirements expressed elsewhere in statute.

#### **ARTICLE I SENATE OFFICERS AND ELECTIONS PRESIDING OFFICER OF THE SENATE**

Rule 1.01. The Lieutenant Governor of the State of Texas shall by virtue of office be President of the Senate (Constitution, Article IV, Section 16) and decide all questions of order subject to appeal by any member. The President shall have control of such parts of the Capitol as have been or may be set apart for the use of the Senate and its officers. The President shall have the right to name a member to perform the duties of the chair, but such substitution shall not extend beyond such time as a majority of the Senators present vote to elect another member to preside, and if a majority of the Senators present so vote, the member called to the chair by the Lieutenant Governor or by the President Pro Tempore of the Senate shall vacate the chair, and the member elected by

a majority shall preside until the Lieutenant Governor or President Pro Tempore shall take the gavel and preside. (Constitution, Article III, Section 9)

#### PRESIDENT PRO TEMPORE

Rule 1.02. The Senate shall, at the beginning and close of each session, and at such other times as may be necessary, elect one of its members President Pro Tempore, who shall perform the duties of Lieutenant Governor in any case of absence or disability of the Lieutenant Governor. (Constitution, Article III, Section 9)

#### VACANCY IN THE OFFICE OF LIEUTENANT GOVERNOR

Rule 1.03. If the office of Lieutenant Governor becomes vacant, the President Pro Tempore of the Senate shall convene the Committee of the Whole Senate within 30 days after the vacancy occurs. The Committee of the Whole Senate shall elect one of its members to perform the duties of the Lieutenant Governor in addition to the duties of Senator until the next general election. If the Senator so elected ceases to be a Senator before the election of a new Lieutenant Governor, another Senator shall be elected in the same manner to perform the duties of the Lieutenant Governor until the next general election. Until the Committee of the Whole Senate elects one of its members for this purpose, the President Pro Tempore shall perform the duties of the Lieutenant Governor. (Constitution, Article III, Section 9[~~as amended November 6, 1984~~])

#### OFFICERS OF THE SENATE

Rule 1.04. A Secretary, Journal Clerk, Calendar Clerk, Enrolling Clerk, Sergeant-at-Arms, Doorkeeper, Chaplain, and such other officers as a majority vote may determine to be necessary shall be elected at the opening of the session of the Legislature to continue in office until discharged by the Senate and shall perform such duties as may be incumbent upon them in their respective offices, under the direction of the Senate. Such officers may not be related to any current member of the Texas Legislature nor may any employee of the Senate be related to any current member of the Texas Legislature. The Secretary of the Senate shall, in addition to other duties, be responsible for the coordination of the other offices and divisions of the Senate.

#### ELECTION OF OFFICERS

Rule 1.05. In all elections of the Senate, the vote shall be given viva voce, except in the election of officers of the Senate (Constitution, Article III, Section 41). A majority of the whole number of votes cast shall be necessary for a choice in all elections by the Senate.

#### ARTICLE II

##### ADMISSION TO SENATE CHAMBER

##### ACCESS TO SENATE FLOOR

Rule 2.01. (a) The doors of the Senate shall be kept open, except when there is an executive session. (Constitution, Article III, Section 16)

(b) It shall be the duty of the Sergeant-at-Arms and assistants to clear the Senate Chamber of all persons not entitled to the privilege thereof 30 minutes before the hour of the meeting of the Senate and for 30 minutes after each meeting of the Senate.

**RESTRICTIONS ON ADMISSION**

Rule 2.02. Persons hereinafter named and no others shall be admitted to the floor of the Senate while the Senate is in session provided that persons other than members of the Lieutenant Governor's family, a Senator's family, members of the House of Representatives of the State of Texas, and Sergeants-at-Arms of the Senate shall be required to remain behind the brass rail: Members of the Senate and their families, the Secretary of the Senate and family, employees of the Senate and House of Representatives when on official business, Representatives, the Governor, the Governor's family and executive staff, the Lieutenant Governor and family, the President and Vice-President of the United States, United States Senators and members of Congress, Governors of other states, Justices of the Supreme Court, Judges of the Court of Criminal Appeals, the Secretary of State, and duly accredited newspaper reporters and correspondents and radio commentators and television camera operators and commentators who have complied with Rule 2.04. It shall be the special duty of the President to see that officers and employees remain upon the floor of the Senate only when actually engaged in the performance of their official duties. Such persons other than the Lieutenant Governor and members of the Senate shall not be permitted to work for or against any proposition before the Senate while on the floor.

**PERSONS LOBBYING NOT ADMITTED**

Rule 2.03. (a) No newspaper reporter, or other person whosoever, whether a State officer or not, who is lobbying or working for or against any pending or prospective legislative measure, shall in any event be permitted upon the floor of the Senate when the Senate is in session.

(b) All officers and employees of the Senate are prohibited from lobbying in favor of or against any measure or proposition pending before the Senate, and should any officer or employee violate this rule, the same shall be cause for dismissal from the service of the Senate by the President.

**PRESS CORRESPONDENTS**

Rule 2.04. While the Senate is in session, no person shall be admitted to the floor of the Senate or allowed its privileges as a press correspondent or radio commentator or television camera operator and commentator, unless said person is a regularly employed, salaried staff correspondent or reporter in the employ of a newspaper publishing general news, a press association serving newspapers, or a publication requiring telegraphic coverage or the person is a regularly employed, salaried employee of a duly licensed radio or television station.

Every newspaper reporter and correspondent and radio commentator and television camera operator and commentator, before being admitted to the Senate during its session, shall file with the Committee on Administration a written statement showing the paper or papers represented and certifying that no part of the person's salary or compensation is paid by any person, firm, corporation, or association except the paper or papers or radio station or television station represented.

**FORFEITURE OF ADMISSION PRIVILEGE**

Rule 2.05. If any person admitted to the Senate under this article shall lobby or work for or against any pending or prospective legislation or shall

violate any of the other rules of the Senate, the privileges extended to said person under this article shall be suspended by a majority of the Committee on Administration. The action of the committee shall be reviewable by the Senate only if two members of the committee request an appeal from the decision of the committee, which appeal shall be in the form of a minority report, and shall be subject to the same rules that are applicable to minority reports on bills.

#### EXCEPTIONS

Rule 2.06. This article shall not apply to any person who is invited to address the Senate when in session or to any person who desires to appear before any committee while going to or returning from the session of said committee or to the Governor while delivering an official message. This article shall not apply during the inauguration of the Governor and other public ceremonies provided for by resolution of the Senate.

#### SUSPENSION OF ADMISSION RULE

Rule 2.07. It shall be in order for the President to entertain a request, motion, or resolution for the suspension of the Admission Rules or to present from the chair the request of any member for unanimous consent to suspend the Admission Rules.

### ARTICLE III

#### SENATE DECORUM

##### PERSONS MUST BE PROPERLY ATTIRED IN SENATE CHAMBER

Rule 3.01. While the Senate is actually in session, no male Senator or Representative or any other male person shall come on the floor of the Senate without wearing a coat and tie. The Sergeant-at-Arms and doorkeepers are instructed to strictly enforce this rule, and only the President of the Senate may suspend the rule as to any person or to all persons, and that action to be taken in writing to the Sergeant-at-Arms.

##### NO EATING OR DRINKING IN SENATE CHAMBER

Rule 3.02. No employee, Senator, Representative, or other person shall be allowed to eat or drink in the Senate Chamber proper at any time. The Sergeant-at-Arms shall strictly enforce this rule.

##### MESSAGES TO MEMBERS

Rule 3.03. Messages or call slips shall not be delivered to members of the Senate when a roll call is in progress. Individuals desiring to pass a message to members of the Senate must sign their names to that message.

##### POSTERS, PLACARDS, BANNERS, AND SIGNS

Rule 3.04. No poster, placard, banner, sign, or other similar material shall be carried into the Senate by any person, and no person shall attach or affix any poster, placard, banner, sign, or other similar material to the walls, rails, seats, or bannisters of the Senate Chamber. This rule shall be strictly enforced.

##### APPLAUSE, OUTBURSTS, OR DEMONSTRATIONS

Rule 3.05. No applause, outburst, or other demonstration by any spectator shall be permitted during a session of the Senate. This rule shall be strictly enforced.

**PUNISHMENT FOR OBSTRUCTING PROCEEDINGS**

Rule 3.06. The Senate, during its sessions, may imprison for 48 hours any person, not a member, for violation of the Senate rules, for disrespectful and disorderly conduct in its presence, or for obstructing any Senate proceeding. (Constitution, Article III, Section 15)

**ARTICLE IV****DECORUM AND DEBATE OF MEMBERS OF THE SENATE****MEMBERS TO ADDRESS PRESIDENT**

Rule 4.01. When a Senator is about to speak in debate or to communicate any matter to the Senate, the member shall rise in his or her place and address the President of the Senate.

**INTERRUPTION OF PRESIDENT**

Rule 4.02. The President of the Senate shall not be interrupted while putting the question or addressing the Senate.

**INTERRUPTION OF MEMBER SPEAKING**

Rule 4.03. No member shall interrupt another Senator who has the floor or otherwise interrupt the business of the Senate, except for the purpose of making a point of order, calling the member having the floor to order, moving the previous question, demanding that a point of order under discussion or consideration be immediately decided, or making a motion to adjourn or recess. Though another member has the floor, any member shall be recognized by the presiding officer in order to call to order the member, to make a point of order, to move the previous question, or to demand that a point of order be immediately decided. A member who has the floor must yield to permit the Senate to receive messages from the Governor and from the House of Representatives and shall not lose the floor. A member who has the floor may yield for questions from other members and shall not lose the floor. In the event a member is interrupted because of a motion to adjourn or recess and the motion fails, the floor shall be immediately returned to the interrupted member. In the event the interrupted member was speaking under the previous question and a motion to adjourn or recess prevails, the member shall resume the floor and finish speaking when the bill is next considered by the Senate.

**RECOGNITION OF MEMBERS IN DEBATE**

Rule 4.04. When two or more members rise at once, the presiding officer shall decide which one shall speak first, but from the presiding officer's decision an appeal without debate may be taken to the Senate by any member.

**SPEAKING MORE THAN ONCE IN SINGLE DEBATE**

Rule 4.05. No member shall speak more than once in any one debate until every member desiring to do so shall have spoken and no member shall speak more than twice in any one debate without leave of the Senate.

**MEMBER CALLED TO ORDER**

Rule 4.06. When a member shall be called to order by the President or by a Senator, the member shall sit down and not be allowed to speak, except to the point of order, until the question of order is decided. If the decision be in the member's favor, the member shall be at liberty to proceed; if otherwise, the member shall not proceed without leave of the Senate.

**REFUSAL OF MEMBER CALLED TO ORDER TO BE SEATED**

Rule 4.07. Whenever a member is called to order by the President of the Senate or by the presiding officer then in the chair in accordance with Rule 4.06 and such member fails to sit down and be in order but continues disorderly, it shall be the duty of the Sergeant-at-Arms and/or the Sergeant's assistants upon the direction of the presiding officer to require such recalcitrant member to take his or her seat and be in order. Any member who persists in disorderly conduct after being warned by the presiding officer may, by motion duly made and carried by two-thirds vote of the members present, be required to purge himself or herself of such misconduct. Until such member has purged himself or herself of such misconduct, the member shall not be entitled to the privileges of the floor.

**REMOVAL OF SENATOR FROM CHAIR**

Rule 4.08. If any Senator, other than the regularly elected President Pro Tempore, be presiding and fails or refuses to recognize any Senator to make a motion that is in order or raise a point of order that it is in order to raise, to entertain an appeal from his or her decision, to put such question to the Senate, to recognize any Senator to demand that a point of order under discussion be immediately decided, or to put the question, if seconded by 10 Senators, "Shall the point of order be now decided?" such Senator so offending shall be deemed guilty of violating the high privileges of the Senate. Until such offending Senator shall purge himself or herself of such contempt and be excused by the Senate, the member shall not again be called to the chair during the session. If such Senator so presiding shall refuse to recognize any Senator when addressed in proper order or to entertain the motion, the point of order, or the appeal of any Senator or to pass upon the same or to recognize a Senator to make the demand when seconded by 10 Senators that a point of order under discussion be immediately decided, then the Senator seeking recognition may rise in his or her seat and without recognition read a written demand upon the Senator presiding, provided the same is signed by a majority of the Senators present, and if the Senator presiding persists in refusal, then any number of Senators constituting a majority of the Senators present may present such written demand to the Sergeant-at-Arms or an Assistant Sergeant-at-Arms, and such written demand shall be a full and sufficient warrant for arrest, empowering such officer or assistant to arrest the Senator so presiding, eject him or her from the chair, and retain him or her under arrest until released by order of the Senate.

Should the Sergeant-at-Arms or the Assistant Sergeants-at-Arms fail or refuse to act and carry out such demand, they shall be removed from office on a majority vote of the Senate.

When such Senator is removed as aforesaid and the chair remains vacant, the Secretary shall call the Senate to order, and a President Pro Tempore ad interim shall be elected to preside until the Lieutenant Governor or a regularly elected President Pro Tempore shall appear and take the gavel.

As soon as order is restored, the chair shall cause a record of the fact of removal to be made.

**PUNISHMENT FOR MISCONDUCT**

Rule 4.09. The Senate may punish any member for disorderly conduct and, with the consent of two-thirds of the elected members, may expel a member, but not a second time for the same offense.

**BRIBERY**

Rule 4.10. Any member who shall receive or offer a bribe or who shall suffer his or her vote to be influenced by promise or preferment of reward shall on conviction be expelled. (Also see Section 36.02, Texas Penal Code.)

**ARTICLE V****SENATE PROCEDURAL RULES****(ORDER OF BUSINESS)****PRESIDING OFFICER TO ASSUME CHAIR**

Rule 5.01. The presiding officer shall take the chair at the hour to which the Senate last adjourned.

**QUORUM**

Rule 5.02. Two-thirds of all the Senators elected shall constitute a quorum, but a smaller number may adjourn or recess from day to day and compel the attendance of absent members (Constitution, Article III, Section 10). In case a less number shall convene, the members present may send the Sergeant-at-Arms or any other person or persons for any or all absent members.

**ABSENCES**

Rule 5.03. No member shall absent himself or herself from the sessions of the Senate without leave unless the member be sick or unable to attend.

**CALL OF THE SENATE**

Rule 5.04. It shall be in order to move a call of the Senate at any time to secure, to maintain, or to secure and maintain a quorum for the following purposes:

(1) for the consideration of a specific bill, resolution, or other measure;

(2) for a definite period of time or for the consideration of any particular class of bills.

When a call of the Senate is moved for one of the above purposes and seconded by five members and ordered by a majority of those present, the Doorkeeper shall close the main entrance to the floor of the Senate. All other doors leading from the floor of the Senate shall be locked[;] and no member shall be permitted to leave the Senate without written permission of the presiding officer until after the subject matter upon which the call was ordered has been disposed of. The Secretary shall call the roll of members and note the absentees. Those for whom no sufficient excuse is made, by order of the majority of those present, may be sent for and arrested wherever they may be found and their attendance secured and retained by the Sergeant-at-Arms or officers appointed by the Sergeant for that purpose. The Senate shall determine upon what conditions they shall be discharged. Members who voluntarily appear shall, unless the Senate otherwise directs, be immediately admitted to the floor of the Senate, and they shall report their names to the Secretary to be entered upon the journal as present. Until a quorum appears, should the roll call fail to show one present, no business shall be done except to compel the attendance of absent members or to adjourn.

When a quorum is shown to be present, the Senate may proceed with the matters upon which the call was ordered or may enforce and await the attendance of as many of the absentees as it desires to have present. If the Senate decides to proceed, the Sergeant-at-Arms shall not be required to bring in other absentees unless so ordered by a majority vote of the Senate.

**ROLL CALL**

Rule 5.05. Upon every roll call the names of the members shall be called alphabetically by surname, except when two or more have the same surname, in which case the name of the county shall be added.

**PRAYER BY CHAPLAIN**

Rule 5.06. When there is a quorum present, prayer shall be offered by the Chaplain or other person designated by the President of the Senate.

**READING OF JOURNAL**

Rule 5.07. After the prayer, the journal of the preceding day shall be read and corrected, if necessary.

**MORNING CALL**

Rule 5.08. The President then shall call:

- (1) for reports from select committees;
- (2) for Senate bills and resolutions and House bills and resolutions on first reading and referral to committee;
- (3) for the introduction and consideration of resolutions;
- (4) for messages and executive communications;
- (5) for motions to print on minority reports;
- (6) for other motions not provided herein, including but not limited to motions to set a bill for special order, to reconsider, to print and not print bills, to rerefer bills, to concur in House amendments to Senate bills, to not concur in House amendments to Senate bills, to request the appointment of conference committees, and to adopt conference committee reports.

This concludes the morning call, which the President shall announce to the Senate.

It shall not be in order, during the morning call, to move to take up a bill or resolution out of its regular order, and the presiding officer shall not recognize any Senator for the purpose of making any such motion or making a motion to suspend this rule.

**ORDER OF CONSIDERING BILLS AND RESOLUTIONS**

Rule 5.09. At the conclusion of the morning call, the Senate shall proceed to consider business on the President's table, which shall be disposed of in the following order:

- (1) special orders;
- (2) unfinished business;
- (3) Senate Joint Resolutions;
- (4) Senate Resolutions;
- (5) Senate Concurrent Resolutions;
- (6) Senate bills on third reading;
- (7) Senate bills on second reading;
- (8) House Joint Resolutions;
- (9) House bills on third reading;
- (10) House bills on second reading;
- (11) House Concurrent Resolutions.

The above order is for Senate bill days, except as modified by any ~~the~~ Joint Rules.

**HOUSE BILL DAYS**

Rule 5.10. On ~~After the morning call has been concluded on~~ calendar Wednesday and calendar Thursday of each week, House Joint Resolutions and House bills on special order and on third and second readings,

respectively, and House Concurrent Resolutions shall be taken up and considered until disposed of; provided in case one should be pending at adjournment on Thursday, it shall go over until the succeeding calendar Wednesday as unfinished business.

#### SPECIAL ORDERS

Rule 5.11. (a) Any bill, resolution, or other measure may on any day be made a special order for a future time of the session by an affirmative vote of two-thirds of the members present.

(b) A special order shall be considered at the time for which it is set and considered from day to day until disposed of, unless at the time so fixed there is pending business under a special order, but such pending business may be suspended by a two-thirds vote of all the members present. If a special order is not reached or considered at the time fixed, it shall not lose its place as a special order. All special orders shall be subject to any [the] Joint Rules and [Senate] Rule 5.10.

(c) Upon the affirmative vote of four-fifths of the members present, a special order may be reset to an earlier time than previously scheduled.

#### REGULAR ORDER OF BUSINESS

Rule 5.12. (a) Bills and resolutions shall be considered on second reading and shall be listed on the daily calendar of bills and resolutions on the President's table for second reading in the order in which the committee reports on them are received by the ~~[Secretary of the]~~ Senate. Upon the filing [receipt] of a committee report on a bill or resolution as provided by Rule 11.13, the Secretary of the Senate shall note the date and time [stamp] the report was filed. The [and forward a copy to the] Journal Clerk [who] shall record the order in which the committee report was received in the Senate Journal for the day on which the Senate next convenes.

(b) Bills and resolutions shall be considered on third reading in the order in which they were passed on second reading.

#### SUSPENSION OF THE REGULAR ORDER OF BUSINESS

Rule 5.13. No bill, joint resolution, or resolution affecting state policy may be considered out of its regular calendar order unless the regular order is suspended by a vote of two-thirds of the members present.

#### INTENT CALENDAR

Rule 5.14. (a) During a regular session of the Legislature, any member who desires to suspend the regular order of business and take up a bill, joint resolution, or resolution out of its regular order shall give ~~[written]~~ notice of such intent to the Secretary of the Senate, in a manner specified [on forms provided] by the Secretary, not later than 4:00 p.m. on the last preceding calendar day that the Senate was in session. Unless the printing rule has been previously suspended, no bill, joint resolution, or resolution shall be eligible to be placed on the Intent Calendar unless at the time that the notice is given to the Secretary of the Senate the bill, joint resolution, or ~~[joint]~~ resolution has been printed and furnished to each member of the Senate [laid out on the members' desks]. Notice must be given from day to day. No member may give notice on more than three bills or resolutions prior to April 15 [May 1] or on more than five bills or resolutions on or after April 15 [May 1].

(b) The Secretary shall prepare a list of all legislation for which notice has been given. The list must be made available to each member of the Senate and to the press no later than 6:30 p.m. on the day the notice is filed.

(c) No provision of this rule may be suspended except by vote of four-fifths of the members present.

#### RULINGS BY PRESIDENT

Rule 5.15. Every question of order shall in the first instance be decided by the President, from whose decision any member may appeal to the Senate. Rulings which set or alter precedent shall be printed as an annotation to the rules.

### ARTICLE VI

#### MOTIONS

##### MOTIONS AND THEIR PRECEDENCE

Rule 6.01. (a) When a question is under consideration by the Senate, no motion shall be made except:

- (1) to fix the day to which the Senate shall adjourn or recess;
- (2) to adjourn or recess;
- (3) to proceed to the transaction of executive business;
- (4) the previous question;
- (5) to lay on the table;
- (6) to lay on the table subject to call;
- (7) to postpone to a time certain;
- (8) to commit;
- (9) to amend;
- (10) to postpone indefinitely.

These several motions have precedence in the order named. It shall be in order to make any number of the above motions before any vote is taken, but the votes shall be taken on all such motions made in the order of the precedence above stated.

(b) Upon compliance with pertinent Senate Rules, motions addressing House amendments to Senate bills, resolutions suspending the constitutional limitation on spending, resolutions suspending conference committee limitations, appointment of conference committees, and conference committee reports are privileged and may be taken up at any time when no other matter is pending before the Senate.

##### LIMITATION OF DEBATE ON MOTIONS

Rule 6.02. No debate shall be allowed on a motion to lay on the table, for the previous question, or to adjourn or recess; provided, however, that the author of a measure or whichever one of the several authors of the same may be by them selected so to do shall have the right, when a motion to lay on the table shall have been made, to close the debate, which privilege the member may yield to any other Senator subject to all of the Rules of the Senate.

##### WRITTEN MOTIONS

Rule 6.03. All motions shall be reduced to writing and read by the Secretary, if desired by the presiding officer or any Senator present.

##### WITHDRAWAL OF MOTION

Rule 6.04. After a motion has been stated by the President or read by the Secretary, it shall be deemed to be in possession of the Senate, but it may be withdrawn at any time before it has been amended or decided.

##### MOTIONS TO FIX SUM OR STATE TIME

Rule 6.05. On a motion to fix a sum or state a time, the largest sum and the longest time shall have precedence.

### DIVISION OF QUESTION

Rule 6.06. Any member may have the question before the Senate divided, if it be susceptible of a division, into distinct questions. On a motion to strike out and insert, it shall not be in order to move for a division of the question, and the rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition or prevent a subsequent motion simply to strike out. The rejection of a motion simply to strike out shall not prevent a subsequent motion to strike out and insert.

### MOTION TO TABLE

Rule 6.07. A motion to table shall only affect the matter to which it is directed, and a motion to table an amendment shall never have the effect of tabling the entire measure.

### MOTIONS TO REFER OR COMMIT

Rule 6.08. Any bill, petition, or resolution may be referred from one committee or subcommittee to another committee or subcommittee if the motion is approved by the chairs of both committees involved and by a two-thirds vote of the members present and voting. Any bill, petition, or resolution may be committed to any committee or subcommittee at any stage of the proceedings on such bill, petition, or resolution by a majority vote of the elected members of the Senate. A bill or joint resolution committed to a committee or subcommittee while on third reading shall be considered as on its second reading if reported favorably back to the Senate.

When several motions shall be made for reference of a subject to a committee, they shall have preference in the following order:

First: To a Committee of the Whole Senate

Second: To a standing committee

Third: To a standing subcommittee

Fourth: To a select committee.

### PREVIOUS QUESTION

Rule 6.09. Pending the consideration of any question before the Senate, any Senator may call for the previous question, and if seconded by five Senators, the presiding officer shall submit the question: "Shall the main question be now put?" If a majority of the members present and voting are in favor of it, the main question shall be ordered, the effect of which shall be to cut off all further amendments and debate and bring the Senate to a direct vote—first upon pending amendments and motions, if there be any, then upon the main proposition. The previous question may be ordered on any pending amendment or motion before the Senate as a separate proposition and be decided by a vote upon said amendment or motion.

### RECONSIDERATION

Rule 6.10. (a) After a question shall have been decided, either in the affirmative or negative, any member voting with the prevailing side may, at any time on the same legislative day in which the vote was taken or on the next legislative day, move the reconsideration thereof. If the motion to reconsider is successful, the question shall immediately recur on the question reconsidered.

(b) When a bill, resolution, report, amendment, order, or message upon which a vote was taken shall have gone out of the possession of the Senate and have been delivered to the House of Representatives or to the Governor, the motion to reconsider shall be preceded ~~accompanied~~ by a motion to request the House or the Governor to return same, which ~~last motion shall be acted upon, and~~ if determined in the negative shall be a final disposition of the motion to reconsider. If the motion to request the House or the Governor to return same is successful, the motion to reconsider shall ~~then~~ be acted upon after the return of ~~and if sustained;~~ the bill, resolution, report, amendment, order, or message ~~upon which the vote was taken and which vote was reconsidered shall be placed upon the calendar as unfinished business and may be called up on the first appropriate day on or after the return of same~~ to the possession of the Senate.

#### SPREADING MOTION TO RECONSIDER ON JOURNAL

Rule 6.11. At any time before the expiration of the next legislative day following that on which the vote was taken, a motion to reconsider a vote may be made by any Senator who is permitted by Rule 6.10 to make it, and the maker of the motion may accompany it with a request that it be spread on the journal to be called up and acted on at a later time, which request shall be granted unless another Senator demands immediate action thereon. In case a motion to reconsider that has been spread upon the journal is not called up to be acted on by the Senate within five legislative days after it has been made, it shall not thereafter be called up or acted upon. Any such motion that has been made during the last six days of the session that has not been called up before the final 24 hours of the session shall not thereafter be called up or acted upon by the Senate. In all cases, a motion to reconsider shall be decided by a majority vote.

#### DEMAND FOR IMMEDIATE RULING

Rule 6.12. Pending the consideration or discussion of any point of order before the presiding officer and the Senate, or either, any Senator may demand that the point of order be immediately decided, and if seconded by 10 Senators, the presiding officer shall submit the question: "Shall the point of order be now decided?" If a majority vote in favor of it, the point of order shall immediately be decided by the presiding officer, and if an appeal from the presiding officer's decision is taken, the appeal shall be immediately decided by the Senate without debate.

#### DISPENSE WITH READING OF PAPERS

Rule 6.13. When the reading of a paper is called for and the same is objected to by any member, it shall be determined by a majority vote of the Senate and without debate.

#### MODE OF STATING AND VOTING UPON QUESTIONS

Rule 6.14. All questions shall be distinctly put by the President and the members shall signify their assent or dissent by answering "yea" or "nay."

#### CALLS FOR YEAS AND NAYS REQUIRED

Rule 6.15. (a) Upon the final passage of all amendments proposed to the Constitution, all bills appropriating money or lands for any purpose, and all questions requiring a vote of two-thirds of the members elected, the presiding officer shall call for the yeas and nays, and they shall be entered in the journal.

Upon all other questions requiring a vote of two-thirds of the members present, including a motion to suspend the rules, the presiding officer shall determine if there is objection and, if so, call for the yeas and nays, but they shall not be entered into the journal unless required under Subsection (b) of this rule. If no objection is made, the journal entry shall reflect a unanimous consent vote of the members present without necessity of a roll call of yeas and nays.

(b) At the desire of any three members present, the yeas and nays shall be entered on the journal, and the names of the members present and not voting shall be recorded immediately after those voting in the affirmative and negative, and such members shall be counted in determining the presence of a quorum. (Constitution, Article III, Section 12)

(c) A member must be on the floor of the Senate or in an adjacent room or hallway on the same level as the Senate floor or gallery in order to vote; but a member who is out of the Senate when a record vote is taken and who wishes to be recorded shall be permitted to do so provided:

(1) the member was out of the Senate temporarily, having been recorded earlier as present;

(2) the vote is submitted to the Secretary of the Senate prior to adjournment or recess to another calendar day; and

(3) the recording of the member's vote does not change the result as announced by the chair.

(d) Once begun, a roll call may not be interrupted for any reason.

#### MEMBERS REFUSING TO ANSWER

##### RECORDED PRESENT

Rule 6.16. Upon a roll call of the Senate, should any member who is on the floor of the Senate fail or refuse to answer the call of the roll, the Secretary of the Senate shall, under the direction of the President of the Senate, record such member as present.

#### PAIRED VOTES

Rule 6.17. If a member who is absent desires to be recorded on a pending question, the member may cast a paired vote by signing a pair slip which indicates the member's "yea" or "nay" vote with a member who is present and casting an opposite vote, if the member who is present so desires. Pair slips must be signed by both the absent and present member and filed with the Secretary of the Senate before the vote. The paired votes of the present and absent members shall be recorded as an expression of opinion on the matter considered but shall not be counted in the total of votes for or against the measure or motion. However, the member present shall be counted to make a quorum.

#### LIEUTENANT GOVERNOR TO GIVE

##### CASTING VOTE

Rule 6.18. If the Senate be equally divided on any question, the Lieutenant Governor, if present, shall give the casting vote. (Constitution, Article IV, Section 16)

#### EFFECT OF TIE VOTE WHEN LIEUTENANT

##### GOVERNOR ABSENT

Rule 6.19. If the Senate is equally divided on any question when the Lieutenant Governor is not present, such question or motion shall be lost.

#### VETOED BILLS

Rule 6.20. A vote of two-thirds of all members elected to the Senate shall be required for the passage of House bills that have been returned by the Governor with his objections, and a vote of two-thirds of the members of the Senate present shall be required for the passage of Senate bills that have been returned by the Governor with his objections. (Constitution, Article IV, Section 14)

#### ADJOURNMENT

Rule 6.21. A motion to adjourn or recess shall always be in order and shall be decided without debate, and the Senate may adjourn or recess while operating under the previous question.

#### ADJOURNMENT OF SENATE FOR MORE THAN THREE DAYS

Rule 6.22. The Senate shall not adjourn or recess for more than three days or to any other place than that in which it may be sitting, without the concurrence of the House of Representatives. (Constitution, Article III, Section 17)

#### ARTICLE VII INTRODUCTION AND PASSAGE OF BILLS CUSTODIAN OF BILLS AND RESOLUTIONS

Rule 7.01. The Calendar Clerk shall be the official custodian of the bills and resolutions pending in the Senate, and the same may not be withdrawn from the custody of such clerk without the consent of the Senate.

#### CAPTION RULE

Rule 7.02. Each bill must include a caption beginning with the words "A Bill to be Entitled an Act" to be followed by a brief statement that gives the Legislature and the public reasonable notice of the subject of the proposed measure. (Constitution, Article III, Sections 29 and 35)

#### ANNOUNCEMENT OF STAGE OF BILL

Rule 7.03. The President shall, at each reading, announce whether the bill originated in the Senate or House of Representatives and whether it be the first, second, or third reading.

#### FILING BILLS

Rule 7.04. (a) Beginning the first Monday after the general election preceding the next regular legislative session or within 30 days prior to any special session, it shall be in order to prefile with the Secretary of the Senate bills for introduction in that session.

(b) All bills or joint resolutions filed in the Senate shall be prepared by the Texas Legislative Council or the Senate Engrossing and Enrolling Department.

(c) During the session bills may be filed for introduction with the Secretary at any time.

(d) [(c)] Upon receipt of the bills the Secretary of the Senate shall number them and make them a matter of public record, available for distribution. Once a bill has been filed it may not be recalled.

#### INTRODUCTION AND FIRST READING OF BILLS

Rule 7.05. (a) Senate bills shall be considered introduced when first read in the presence of the Senate.

(b) Senate bills filed for introduction, and House bills received by the Senate, shall be read on first reading at the appropriate point in the morning call.

#### REFERRAL OF BILLS

Rule 7.06. (a) The President shall refer each bill to a proper committee or standing subcommittee and shall cause such referral to be announced when the bill is first read.

(b) No action shall be taken on a bill accepting, rejecting, or amending it until the bill has been reported on by a committee.

#### LIMITATIONS ON INTRODUCTION

Rule 7.07. (a) A bill may be introduced at any time during the first 60 calendar days of the regular session and may be referred to the proper committee and disposed of under the rules of the Senate.

(b) Except as provided in Rule 7.08, no bill shall be introduced after the first 60 calendar days of the session. This provision may only be suspended by an affirmative vote of four-fifths of the members of the Senate.

(c) It shall not be in order to introduce a local bill as defined by Rule 9.01 unless notice of publication, as provided by law, is attached.

#### CONSIDERATION OF EMERGENCY MATTERS

Rule 7.08. At any time during the session, resolutions, emergency appropriations, emergency matters specifically submitted by the Governor in special messages to the Legislature, and local bills (as defined in Rule 9.01) may be filed with the Secretary of the Senate, introduced and referred to the proper committee, and disposed of under the rules of the Senate.

#### ANALYSIS OF FISCAL AND OTHER IMPLICATIONS OF BILL OR RESOLUTION

Rule 7.09. (a) It is the intent of this rule that all members of the Senate be timely informed to the impact of proposed legislation on the state or other units of government.

#### Fiscal Notes

(b) Prior to a final vote by a committee to report any bill or joint resolution, except the general appropriations bill, there shall be attached a fiscal note signed by the director of the Legislative Budget Board.

(c) If a bill or joint resolution is amended by a committee, the committee chair shall obtain an updated fiscal note. The chair may require that the updated fiscal note be distributed to the committee members prior to the final vote to report the measure.

(d) Prior to a motion to concur in House amendments, an updated fiscal note shall be distributed to all members if the director of the Legislative Budget Board determines that a House floor amendment has altered the policy implications of the bill or resolution, except the general appropriations bill.

(e) An updated fiscal note shall be distributed to all members prior to a motion to adopt a conference committee report on any bill or joint resolution, other than the general appropriations bill; provided that an updated fiscal note is not required on a conference committee report if the text of the report is the engrossed text of either the House or Senate version and the report has attached a fiscal note outlining the fiscal implications of that version of the measure.

(f) A fiscal note for a bill or joint resolution which authorizes or requires the expenditure or diversion of any state funds for any purpose shall estimate the fiscal implications and probable cost of the measure each year for the first five years after the implementation of its provisions and state whether there will be a cost involved thereafter. The fiscal note shall include the number of additional employees considered in arriving at the probable cost.

(g) A fiscal note for any bill or joint resolution which imposes, increases, decreases, or repeals any state tax or fee shall estimate the fiscal implications of the measure for the first five years after the implementation of its provisions and state whether there will be fiscal implications thereafter. The committee chair to which the bill or resolution was referred may request the director of the Legislative Budget Board to include with the fiscal note a tax equity note estimating the general effects of the proposal on the distribution of tax and fee burdens among individuals and businesses.

(h) A fiscal note for any bill or joint resolution which has impact on units of local government of the same type or class shall estimate the fiscal implications and probable cost of the measure to the affected unit or units of local government each year for the first five years after the implementation of its provisions and state whether there will be a cost involved thereafter. As used in this rule, "unit of local government" means county, city, town, school district, conservation district, hospital district, or any other political subdivision or special district.

#### Impact Statements

(i) If the director of the Legislative Budget Board determines that a bill or joint resolution proposes to change benefits or participation in benefits of a public retirement system or would otherwise change the financial obligations of a public retirement system, the director shall prepare and forward to the chair of the committee to which the measure is referred an actuarial impact statement; provided that an actuarial impact statement is not required for the general appropriations bill, a measure that would change the financial obligations of a retirement system only by modifying the compensation of members of the system or by modifying the administrative duties of the system, or a measure that would change the financial obligations of a retirement system only by imposing an expense on the system in the same manner that the expense is imposed on other agencies or units of government.

In this rule, "public retirement system" means a continuing, organized program of service retirement, disability retirement, or death benefits for officers or employees of the state or a political subdivision, but does not include a program for which benefits are administered by a life insurance company, a program providing only workers' compensation benefits, or a program administered by the federal government.

An actuarial impact statement shall:

(1) summarize the actuarial analysis that has been prepared for the bill or resolution;

(2) identify and comment on the reasonableness of each actuarial assumption used in that actuarial analysis; and

(3) show the economic effect of the proposed bill or resolution on the public retirement system, including a projection of the actuarial cost or

liability imposed by the proposal on the system, the effect of the legislation on the amortization schedule for liabilities of the system, and the estimated dollar change in the unfunded liability of the system.

(j) If the director of the Legislative Budget Board determines that a bill or resolution authorizes or requires a change in the sanctions applicable to: (1) adults convicted of felony crimes, or (2) juveniles who have been adjudicated for a misdemeanor or felony conduct; the director shall prepare and forward to the chair of the committee to which the measure is referred a Criminal Justice Policy Impact Statement. The statement shall estimate the impact of the proposed policy changes on the programs and workload of state corrections agencies and on the demand for resources and services of those agencies. In this section, "sanctions" includes sentences and dispositions, as well as adjustments to sentences and dispositions such as probation, parole, and mandatory supervision, including changes in policy or statutes related to eligibility, revocation, and good time credits as well as requirements and conditions of probation.

(k) If the director of the Legislative Budget Board determines that a bill or joint resolution authorizes or requires a change in the public school finance system, the director shall prepare and forward to the chair of the committee to which the measure is referred an Equalized Education Funding Impact Statement. The statement shall estimate the impact of the proposed policy changes on state equalized funding requirements and policies.

(l) If the director of the Legislative Budget Board determines that a bill or joint resolution authorizes or requires a change in the classification, mission, or governance structure of an institution of higher education or would establish such an institution, the director shall, after consultation with the Higher Education Coordinating Board, prepare and forward to the chair of the committee to which the measure is referred a Higher Education Impact Statement. The statement shall estimate the need for the new or expanded institution, including information on geographic access to existing institutions, student demand for the institution and programs, the possible duplication of programs with other institutions in the geographical region, and the long-term costs to the state for the institution, including any facilities construction and maintenance. If the measure proposes change in the governance of an institution, the statement shall estimate the programmatic and economic impacts of the change to the state and the affected institutions and systems.

(m) If the director of the Legislative Budget Board has determined that an impact statement is required, pursuant to Subsection (i), (j), (k), or (l) of this rule, for any bill or joint resolution, except the general appropriations bill, the impact statement shall be attached to the measure prior to a final vote by a committee to report the measure.

(n) If a bill or joint resolution is amended by a committee other than a conference committee, the committee chair shall obtain an updated impact statement, which shall be attached to the committee report. The chair may require that the updated impact statement be distributed to the committee members prior to the final vote to report the measure.

(o) The director of the Legislative Budget Board may prepare an updated impact statement to reflect House amendments to a Senate bill or joint resolution or a conference committee report. Such statement shall be forwarded to the Secretary of the Senate, who shall have the impact statement printed and distributed to the members.

General Provisions

(p) In preparing a fiscal note or an impact statement, the director of the Legislative Budget Board may use information or data supplied by any person, agency, organization, or governmental unit that the director deems reliable. The director shall state the sources of information or data used and may state the extent to which the director relied on the information or data in preparing the fiscal note or impact statement. If the director is unable to acquire or develop sufficient information to prepare a fiscal note within 15 days after receiving a bill or joint resolution, the director shall prepare the fiscal note stating that fact, and the fiscal note shall be in full compliance with the rules. If the director determines that the fiscal or other implications of a bill or joint resolution cannot be ascertained, the director shall prepare the fiscal note stating that fact, and the fiscal note shall be in full compliance with the rules.

(q) The director of the Legislative Budget Board shall forward a copy of each fiscal note or impact statement to the author or sponsor of the affected bill or joint resolution.

(r) All fiscal notes and impact statements shall be signed by the director of the Legislative Budget Board and shall remain with the measure throughout the entire legislative process, including submission to the governor.

(s) For any statement or analysis required by this rule, the Senate Committee on Administration may adopt such necessary forms and procedures as are required to ensure that all members of the Senate are informed as to the impact of proposed legislation on the state or other unit of government. The committee may authorize the director of the Legislative Budget Board to develop the format for fiscal notes and impact statements and submit the suggested forms to the committee for its approval. ~~[On any bill or resolution that proposes to change benefits or participation in benefits of a public retirement system or that would otherwise change the financial obligations of a public retirement system, there shall be attached an actuarial impact statement prepared by the Legislative Budget Board in cooperation with the State Pension Review Board.~~

~~[(b) On any bill or joint resolution which authorizes or requires the expenditure or diversion of any state funds for any purpose, except the general appropriations bill, there shall be attached a fiscal note signed by the director of the Legislative Budget Board and outlining the fiscal implications and probable cost of the measure for the first five years after its passage, and a statement as to whether or not there will be a cost involved thereafter.~~

~~[(c) On any bill or resolution that authorizes or requires a change in the sanctions applicable to adults convicted of felony crimes, there shall be attached a Criminal Justice Policy Impact Statement signed by the director of the Legislative Budget Board and outlining the estimated impact of the~~

~~proposed policy changes on the programs and work load of state corrections agencies and on the demand for resources and services of those agencies.~~

~~[(d) On any bill or resolution that authorizes or requires a change in the public school finance system, there shall be attached an Equalized Education Funding Impact Statement signed by the director of the Legislative Budget Board and outlining the estimated impact of the proposed policy changes on state equalized funding requirements and policies.~~

~~[(e) For any statement or analysis required by this rule, the Senate Committee on Administration shall adopt such necessary forms and procedures as are required to ensure that all members of the Senate are informed as to the impact of proposed legislation on the state or other unit of government.]~~

#### FORMAT OF BILLS AND RESOLUTIONS REPORTED BY COMMITTEES

Rule 7.10. (a) A committee may not report a bill or resolution to the Senate unless the bill or resolution complies with Subsection (b) of this rule.

(b) In any section of a bill or joint resolution that proposes to amend an existing statute or constitutional provision, language sought to be deleted must be bracketed and stricken through, and language sought to be added must be underlined. This requirement does not apply to:

- (1) an appropriation bill;
- (2) a local bill;
- (3) a recodification bill;
- (4) a redistricting bill;
- (5) a section of a bill or joint resolution not purporting to amend an existing statute or constitutional provision;
- (6) a section of a bill or joint resolution that revises the entire text of an existing statute or constitutional provision, to the extent that it would confuse rather than clarify to show deletions and additions; and
- (7) a section of a bill or joint resolution providing for severability, nonseverability, emergency, or repeal of an existing statute or constitutional provision.

(c) The President may overrule a point of order raised as to a violation of Subsection (b) of this rule if the violation is typographical or minor and does not tend to deceive or mislead.

(d) The Senate Enrolling Clerk may make certain technical corrections in bills and resolutions to conform the language to requirements of Subsection (b) of this rule and of the Texas Constitution. This subsection applies to misspelled words, mistakes in citations and internal references, numbering and reprinting errors, bracketing and underlining errors, mistakes in grammar and punctuation, and insufficient captions.

#### COMMITTEE SUBSTITUTE BILLS

Rule 7.11. (a) A committee may adopt and report a complete germane committee substitute containing the caption, enacting clause, and text of a bill or resolution in lieu of the original, in which event the complete substitute bill or resolution shall be laid before the Senate and shall be the matter before the Senate for its consideration instead of the original. If the substitute is defeated at any legislative stage, the bill or resolution is considered not passed.

(b) If a point of order is raised and sustained that a committee substitute bill is not germane or contains provisions not germane to the original bill, the bill shall be returned for further consideration to the committee from which it was reported. If the committee desires to hear additional testimony, the bill shall be posted for public hearing according to the rules of the Senate and is subject to Rule 11.20.

#### PRINTING OF BILLS

Rule 7.12. (a) Every favorable committee report on a general bill made by a Senate committee shall be printed, unless the Senate on the same day it is reported or on the next legislative day shall order it not printed. Each committee report on a local bill shall be printed, unless the committee making the report recommends that it not be printed, in which case the committee's recommendations shall be effective as an order of the Senate that the report be not printed. A list of all bills on committee report ordered not printed by the Senate or ordered not printed by committee recommendation shall be listed by number, author, and caption and distributed to each member at the close of each day's business. Copies of all committee reports printed shall be furnished to each member of the Senate ~~[placed on the desks of Senators]~~ on the same day the printed copies are delivered by the printer. No bill except local bills and bills ordered not printed by the Senate shall be considered by the Senate until a printed committee report has been available to each member of the Senate for at least 24 hours and is on the desk of each Senator ~~[at least 24 hours]~~.

(b) Every committee report printing on a bill or resolution shall include:

- (1) a copy of the committee report form showing the record vote by which the measure was reported, whether the measure was reported favorably or unfavorably, with amendment or with a substitute;
- (2) a copy of the original bill or resolution, unless the committee reports a substitute measure;
- (3) a copy of any substitute bill or resolution;
- (4) a copy of each amendment adopted to the bill or resolution;
- (5) any fiscal note on the bill or resolution, including any updated fiscal note required by Rule 7.09 ~~[to reflect any change in fiscal implications made by amendment or substitute]~~;
- (6) any criminal justice impact statement, including any updated statement required by Rule 7.09 ~~[to reflect any change made by amendment or substitute]~~;
- (7) any equalized education funding impact statement, including any updated statement required by Rule 7.09 ~~[to reflect any change made by amendment or substitute]~~;
- (8) any higher education impact statement, including any updated statement required by Rule 7.09;
- (9) any actuarial analysis, including any updated analysis required by Rule 7.09 ~~[to reflect any change made by amendment or substitute]~~;
- (10) ~~(9)~~ a bill analysis, including any updated analysis to reflect any change made by amendment or substitute; and
- (11) ~~(10)~~ a list of witnesses testifying in favor, against, or on the bill or resolution.

SUSPENSION OF RULE LIMITING  
CONSIDERATION OF BILLS

Rule 7.13. Except as otherwise provided in Rule 7.08, bills shall not be taken up, considered, or acted upon by the Senate during the first 60 calendar days of the session, unless this rule be suspended by the affirmative vote of four-fifths of the members of the Senate.

CONSIDERATION OF HOUSE BILL IN LIEU OF  
SENATE BILL ON SAME SUBJECT

Rule 7.14. When any Senate bill shall be reached on the calendar or shall be before the Senate for consideration, it shall be the duty of the President to give the place of such bill on the calendar to any House bill which has been referred to and reported from a committee of the Senate containing the same subject or to lay such House bill before the Senate to be considered in lieu of such Senate bill.

GERMANENESS

Rule 7.15. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment or as a substitute for the motion or proposition under debate. (Constitution, Article III, Section 30)

AMENDMENTS TO TAX BILLS OR SUNSET BILLS

Rule 7.16. No amendment shall be considered to any tax bill or sunset bill on second reading unless the subject matter it entails has been discussed at a Senate committee meeting at which the bill was heard.

MOTION TO PASS A BILL TO SECOND READING  
IS NOT NECESSARY

Rule 7.17. No motion is necessary to pass a bill to its second reading. The main question on the second reading of the bill shall be, if a Senate bill, "Shall this bill be engrossed and passed to a third reading?" and if it be a House bill, "Shall this bill pass to a third reading?"

READING OF BILL ON THREE SEVERAL DAYS

Rule 7.18. No bill shall have the force of a law until it has been read on three several days in each House and free discussion allowed thereon, but in case of imperative public necessity (which necessity shall be stated in a preamble or in the body of the bill), four-fifths of the House in which the bill may be pending may suspend this rule, the yeas and nays being taken on the question of suspension and entered upon the journals. (Constitution, Article III, Section 32)

ADOPTION OF AMENDMENT ON THIRD READING

Rule 7.19. No amendment shall be adopted at the third reading of a bill without the consent of two-thirds of the members present.

LIMITATIONS ON APPROPRIATIONS BILLS

Rule 7.20. Unless within the authority of a resolution or resolutions adopted pursuant to Article VIII, Section 22(b), of the Constitution, it is not in order for the Senate to consider for final passage on third reading, on motion to concur in House amendments, or on motion to adopt a conference committee report a bill appropriating funds from the State Treasury in an amount that, when added to amounts previously appropriated by bills finally passed by both Houses and sent to the comptroller or due to be sent to the comptroller, would exceed the limit on appropriations established under Subchapter A, Chapter 316, [~~Subchapter A~~] Government Code.

## HOUSE AMENDMENTS TO SENATE BILLS

Rule 7.21. If a Senate bill is returned with House amendments, all House amendments must be printed and a copy furnished to [laid on] each member at least ~~[member's desk for]~~ 24 hours prior to a motion to concur.

## DEFEATED BILL

Rule 7.22. After a bill has been considered and defeated by either branch of the Legislature, no bill containing the same substance shall be passed into a law during the same session. (Constitution, Article III, Section 34)

## SIGNING OF BILLS AND RESOLUTIONS BY

## PRESIDING OFFICER

Rule 7.23. The President of the Senate or the presiding officer shall, in the presence of the Senate, sign all bills and joint resolutions passed by the Legislature. The titles of all such bills and resolutions shall be publicly read, and the fact of the signing shall be entered on the journal. (Constitution, Article III, Section 38)

## DEADLINE FOR REPORT

~~[SEVENTY-TWO-HOUR RULE]~~

Rule 7.24. (a) No bill shall be considered, unless it has been first referred to a committee and reported thereon, and no bill shall be passed which has not been presented and referred to and reported from a committee at least three days before the final adjournment of the Legislature. (Constitution, Article III, Section 37)

(b) No bill shall be considered during a regular session ~~[passed]~~ which has not been presented and referred to and reported from a Senate committee at least 15 ~~[three]~~ days before the final adjournment of the Legislature. It shall require a vote of four-fifths of the members present to suspend this rule.

## LIMITATION ON VOTE

~~[TWENTY-FOUR-HOUR RULE]~~

Rule 7.25. No vote shall be taken upon the passage of any bill on its third reading after the 135th calendar day of a regular session, nor for any purpose within the last 24 hours of the session unless it be to correct an error therein; ~~concur in House amendments to Senate bills, or adopt a conference committee report~~. It shall require a vote of four-fifths of members present to suspend this rule.

## ARTICLE VIII

## PETITIONS AND RESOLUTIONS

## PROCEDURAL RULES

Rule 8.01. Every resolution that requires the approval of the Governor shall be subject to the rules that govern the proceedings on bills.

## REFERRAL TO COMMITTEE

Rule 8.02. Petitions, concurrent and joint resolutions, and resolutions setting or defining legislative or state policy or amending the Senate Rules shall be referred to an appropriate standing committee when introduced and shall not be considered immediately unless the Senate so directs by a two-thirds vote of the members present. The motion to consider such petition or resolution immediately is not debatable.

## CONGRATULATORY, MEMORIAL, AND COURTESY

## RESOLUTIONS

Rule 8.03. Congratulatory and memorial petitions and resolutions, after a brief explanation by the author or sponsor, shall be considered immediately

without debate unless otherwise ordered by a majority of the members present. Upon request by any member, the presiding officer shall, at an appropriate time during the proceedings, recognize guests of such member in the Senate Chamber or gallery. Any member may request and the Secretary of the Senate shall provide a maximum of five copies of a courtesy recognition certificate for each person or group so recognized by the presiding officer.

#### DEFEATED RESOLUTION

Rule 8.04. After a resolution has been considered and defeated by either branch of the Legislature, no resolution containing the same substance shall be passed into a law during the same session. (Constitution, Article III, Section 34) See note to Rule 7.22 [7.23].

#### ARTICLE IX LOCAL BILLS

##### DEFINITION OF LOCAL BILL

Rule 9.01. (a) Neither the Senate nor a committee of the Senate may consider a local bill unless notice of intention to apply for the passage of the bill was published as provided by law and evidence of the publication was attached to the bill at the time of introduction.

(b) Except as provided by Subsection (c) of this rule, "local bill" for purposes of this article means:

(1) a bill for which publication of notice is required under Article XVI, Section 59, of the Texas Constitution (water districts, etc.);

(2) a bill for which publication of notice is required under Article IX, Section 9, of the Texas Constitution (hospital districts);

(3) a bill relating to hunting, fishing, or conservation of wildlife resources of a specified locality;

(4) a bill creating or affecting a county court or statutory court or courts of one or more specified counties or municipalities;

(5) a bill creating or affecting the juvenile board or boards of a specified county or counties; or

(6) a bill creating or affecting a road utility district under the authority of Article III, Section 52, of the Texas Constitution.

(c) A bill is not considered to be a local bill under Subsection (b)(3), (4), or (5) of this rule if it affects a sufficient number of localities, counties, or municipalities so as to be of general application or of statewide importance. [A local bill is defined for the purposes of this article as an Act the provisions of which relate to or affect directly a defined locality, district, or section of the state and which do not include or require any appropriation out of state funds, which do not affect any state policies, and which do not affect directly the state at large and the operation of which is confined solely to a particular locality, district, or section of the state.]

#### INTRODUCTION AND CONSIDERATION OF LOCAL BILLS

Rule 9.02. The constitutional procedure with reference to the introduction, reference to a committee, and the consideration of bills set forth in Article III, Section 5, of the Texas Constitution, shall not apply to local bills herein defined, and the same may be introduced, referred, reported, and acted upon at any time under the general rules and order of business of the Senate.

### LOCAL AND UNCONTESTED CALENDAR

Rule 9.03. (a) At times designated by the Senate, the Senate shall meet in session to consider local and uncontested bills and resolutions listed on a calendar certified by the Administration Committee.

(b) The calendar must be furnished to each member ~~[placed on the desks of the members]~~ of the Senate no later than noon of the day preceding the session at which the legislation on the calendar is to be considered.

(c) A bill or resolution may not be considered if any two or more members of the Senate object in writing before the bill or resolution is laid out for passage on the local calendar or if an amendment is offered other than from the committee reporting the bill or resolution ~~[a standing committee amendment is offered]~~.

(d) The bills and resolutions shall be considered on second and/or third reading in the order in which they are listed on the calendar, and no motion to suspend the regular order of business is required.

### REFERRAL TO ADMINISTRATION COMMITTEE

Rule 9.04. (a) All local and uncontested bills and resolutions shall be referred to the Administration Committee for consideration on the Local and Uncontested Calendar.

(b) ~~[Senate]~~ Rule 11.10, Quorum of Committee, shall not apply to the Administration Committee when it is meeting for the specific and limited purpose of preparing and certifying the local calendar.

(c) The chair of the Administration Committee may appoint a subcommittee consisting of not less than three members to prepare and certify the Local and Uncontested Calendar.

(d) The Administration Committee may set a time after which application for placement on the Local and Uncontested Calendar may not be accepted.

### BILLS AND RESOLUTIONS NOT QUALIFIED FOR CONSIDERATION ON THE LOCAL AND UNCONTESTED CALENDAR

Rule 9.05. The Administration Committee may not consider a bill or resolution for placement on the Local and Uncontested Calendar unless:

(1) the sponsor of the bill or resolution applies for placement on the Local and Uncontested Calendar and submits sufficient ~~[14]~~ copies of the bill or resolution as determined by the Administration Committee ~~[to the committee]~~; and

(2) the chair of the ~~[standing]~~ committee from which the bill or resolution was reported submits a written request for the placement on the Local and Uncontested Calendar.

### BILLS AND RESOLUTIONS PROHIBITED FROM PLACEMENT ON THE LOCAL AND UNCONTESTED CALENDAR

Rule 9.06. The Administration Committee may not place a bill or resolution on the Local and Uncontested Calendar if it:

(1) creates a new department or subdivision of a department unless the bill or resolution is purely local in nature and does not require the expenditure of state funds; or

(2) contains an appropriation; or

(3) is contested. ~~[(Former Rule 14.1(c))]~~

## SUSPENSION OF LOCAL CALENDAR RULES

Rule 9.07. No provision of the Local Calendar Rules may be suspended except by the unanimous consent of the members present.

## ARTICLE X

## AMENDMENTS TO THE CONSTITUTION

## JOINT RESOLUTIONS SUBJECT TO RULES GOVERNING BILLS

Rule 10.01. Joint resolutions proposing amendments to the Constitution shall be subject to rules that govern the proceedings on bills. They shall, in all cases, be read on three several days.

VOTES REQUIRED TO AMEND ON THIRD READING AND  
TO PASS CONSTITUTIONAL AMENDMENTS

Rule 10.02. Amendments on third reading to joint resolutions proposing constitutional amendments shall require an affirmative vote of two-thirds of the members present. Final passage shall require a vote of two-thirds of the members elected to the Senate. (Constitution, Article XVII, Section 1)

FAILURE OF JOINT RESOLUTION TO BE ADOPTED  
ON THIRD READING

Rule 10.03. When a joint resolution has failed adoption on third reading, it shall not be considered again during that session.

## ARTICLE XI

## COMMITTEES

## APPOINTMENT OF COMMITTEES

Rule 11.01. All committees and standing subcommittees shall be appointed by the President of the Senate, unless otherwise directed by the Senate.

## LIST OF SPECIAL AND STANDING COMMITTEES

Rule 11.02. At the beginning of each regular session, the President shall appoint the following special committees and standing committees with the number of members indicated:

## SPECIAL COMMITTEES

- (1) General Investigating Committee [~~on Administration~~]  
(5 [~~7~~] members)
- (2) Committee on Veteran Affairs and Military Installations  
[Nominations] (5 [~~7~~] members)

## STANDING COMMITTEES

- (1) Committee on Administration [~~Criminal Justice~~] (7 members)
- (2) Committee on Criminal Justice [~~Economic Development~~] (7 [~~11~~]  
members)
- (3) Committee on Economic Development [~~Education~~] (11 members)
- (4) Committee on Education [~~Finance~~] (11 [~~13~~] members)
- (5) Committee on Finance [~~Health and Human Services~~]  
(13 [~~9~~] members)
- (6) Committee on Health and Human Services [~~Intergovernmental Relations~~] (11 members)
- (7) Committee on Intergovernmental Relations [~~Jurisprudence~~]  
(11 [~~7~~] members)
- (8) Committee on International Relations, Trade, and Technology  
[~~Natural Resources~~] (2 [~~11~~] members)

- (9) Committee on Jurisprudence [~~State Affairs~~] (7 [~~13~~] members)
- (10) Committee on Natural Resources [~~International Relations, Trade, and Technology~~] (11 [~~9~~] members)
- (11) Committee on Nominations (7 members)
- (12) Committee on State Affairs (13 members)

#### OTHER SPECIAL COMMITTEES

Rule 11.03. (a) The President may appoint additional special committees and may appoint standing subcommittees within committees including subcommittees of the Committee of the Whole Senate. The number of members of these committees and subcommittees shall be determined by the President.

(b) The President may direct that a subcommittee of the Whole Senate appointed under this rule report directly to the Senate concerning any matter within its jurisdiction.

#### CHAIR AND VICE-CHAIR OF STANDING COMMITTEES AND STANDING SUBCOMMITTEES

Rule 11.04. The President shall designate the chair and vice-chair of each standing committee and of each standing subcommittee appointed by the President.

#### LIMITATIONS ON MEMBERSHIP OF COMMITTEES

Rule 11.05. A Senator's appointment to any committee or subcommittee, standing, special, select, statutory, or otherwise, is terminated if the Senator is not renominated to the Senate.

#### APPOINTMENT OF SUBCOMMITTEES WITHIN A STANDING COMMITTEE

Rule 11.06. The chair of a standing committee may appoint subcommittees within a standing committee as the chair deems necessary to accomplish the work of the committee.

#### RECOMMENDATIONS OF COMMITTEES

Rule 11.07. All reports of standing committees shall be advisory only, except that a recommendation in a report that a bill which is a local bill be not printed shall be effective as an order of the Senate that the bill be not printed. A recommendation in a report that a bill which is a general bill be not printed shall be advisory only, and the bill shall nevertheless be printed unless the Senate on the same day or the next legislative day orders the bill not printed, as provided in Rule 7.12.

#### RULES GOVERNING COMMITTEE PROCEDURES

Rule 11.08. (a) At its initial meeting each committee and subcommittee shall adopt permanent rules governing its procedures.

(b) Where applicable the rules of the Senate apply to committee proceedings, and a Senate rule prevails over a conflicting committee rule.

(c) Committee rules must include but are not limited to provisions governing written records of attendance, lack of a quorum, records of meetings, bill referral, bill setting, order of hearing bills, public hearings, subcommittee reports, minority reports, time limits on debate, and provisions for news coverage.

#### RECORD OF COMMITTEE ATTENDANCE

Rule 11.09. At all meetings of the Senate committees, the chair shall call the roll of the members and cause to be made a record of those present and the absentees, together with the excuses, if any, of such absentees.

**QUORUM OF COMMITTEE**

Rule 11.10. A majority of any committee shall constitute a quorum, and no action shall be taken upon any bill in the absence of a quorum. At any stated meeting of the committee, if a roll call discloses lack of a quorum, the members present may order the names of the unexcused absentees turned over to the Sergeant-at-Arms of the Senate whose duty it shall be to secure promptly the attendance of such absent members. The Sergeant-at-Arms shall have the same authority conferred on him or her under the rules of the Senate as when the Senate is operating under a call.

**PUBLIC NOTICE OF COMMITTEE MEETINGS**

Rule 11.11. (a) No committee or subcommittee, except a conference committee, shall meet without at least 24 hours public notice.

(b) Each committee and subcommittee shall meet regularly at an established time and place and shall give public notice at least 24 hours in advance for special meetings.

(c) The chair of each committee and subcommittee shall notify the Secretary of the Senate immediately after the time and place for a committee meeting has been fixed or a meeting has been cancelled. The Secretary shall post notice of the time and place of the meeting on a bulletin board located outside the Secretary of the Senate's office.

**MINUTES OF COMMITTEE MEETINGS**

Rule 11.12. (a) The chair of each committee and subcommittee shall keep or cause to be kept under the chair's direction an accurate record of the proceedings of his or her committee, and the same shall be open for inspection to any member of the Legislature and to the public. Each committee meeting shall be recorded on magnetic tape.

(b) Each standing committee and subcommittee shall employ a committee clerk and, as determined by the Administration Committee, other staff necessary to coordinate and record the activities of the committee. Such committee clerks, staff, or any employee shall in no way be related to any member of the current Texas Legislature or be related to the person with the power of appointment for that position.

(c) It shall be the duty of the committee clerk, with the assistance of other committee staff members, to keep a permanent, accurate written record of committee proceedings and to transcribe the magnetic tape recordings of committee hearings as ordered by the committee or subcommittee. It shall be the responsibility of the committee clerk to see that one copy of the transcript of proceedings and one copy of the permanent record be kept in the committee files, one copy of each be given to the Secretary of the Senate, and three copies of each be placed in the Legislative Reference Library. Such records shall be a matter of public record.

(d) A copy of the record or minutes of each committee meeting must be filed with the Secretary of the Senate not later than seven days after the day on which the meeting was held.

**COMMITTEE REPORTS**

Rule 11.13. (a) The chair of a committee shall sign and file with the Secretary of the Senate a written report showing the committee's final action on bills and resolutions considered by the committee. In the chair's absence the vice-chair shall sign and file the report.

(b) The report must be filed with the Secretary of the Senate within three calendar days after the final action is taken, Sundays and days the Senate is not in session excluded. If the report is not filed within the three-day limit, three members of the committee who were present when the final action was taken may file the report without the signature of the chair or vice-chair.

(c) The Secretary of the Senate shall note ~~[on the committee report]~~ the date and time the report was filed and forward the report to be printed in compliance with Rule 7.12.

(d) The committee report and the official committee minutes are sufficient to determine whether the committee report accurately reflects the action of the committee. The president may consider any other documents or information deemed necessary to the determination.

#### CONSIDERATION OF BILLS IN COMMITTEES

Rule 11.14. Subject to Rule 7.24 and 7.25, it [It] shall be in order for committees to consider bills and resolutions at any time during the session, make reports thereon, and file the same with the Senate; provided, however, that no Senate committee or conference committee may meet while the Senate is meeting, except by unanimous consent of the members present.

#### CONSIDERATION OF HOUSE BILLS

Rule 11.15. (a) The Senate sponsor of a House measure shall be determined by the chair of the committee, in consultation with the House author of the measure.

(b) It shall be the duty of each committee of the Senate when there has been referred to it or is before it for consideration a Senate bill and a House bill containing the same subject to consider first and report upon the House bill.

#### VOTES OF COMMITTEE REQUIRED TO REPORT FAVORABLY

Rule 11.16. No bill or resolution shall be reported favorably unless it has received the affirmative vote of a majority of the membership of the committee to which it was referred, except as provided in Rule 11.18.

#### UNFAVORABLE VOTE OF COMMITTEE

Rule 11.17. When a motion to report a bill or resolution unfavorably receives the affirmative vote of a majority of the members of the committee to which it was referred, except as provided in Rule 11.18, the bill or resolution is dead.

#### MINORITY REPORTS

Rule 11.18. (a) If a motion to report a bill or resolution unfavorably receives an affirmative vote of a majority of the members of a committee, a favorable minority report may be made. The minority report must be signed by three members of the committee if the committee is composed of less than 11 members or four members if the committee has 11 or more members. The members signing the report must have been present and voted against the motion to report unfavorably.

(b) The minority report must be filed with the Secretary of the Senate within two calendar days after the vote was taken, Sundays and days the Senate is not in session excluded.

(c) The sponsor of a bill or resolution for which a minority report is filed or a member signing the minority report must move to have the bill or

resolution placed on the calendar within 10 calendar days after the date on which the committee's vote was taken. An affirmative vote of two-thirds of the members present is required for the motion to carry. If the motion fails or is not made within the time allowed, the bill or resolution is dead and may not be considered again during the session.

#### PUBLIC HEARINGS

Rule 11.19. (a) No bill may be reported to the Senate before it has been the subject of an open public hearing before a committee or subcommittee. Notice of the hearing on the bill must be posted in a public place at least 24 hours before the hearing is to begin. The chair shall afford reasonable opportunity to interested parties to appear and testify at the hearing.

(b) The chair shall require all parties appearing at the hearing to swear or affirm that the testimony they give to the committee or subcommittee is true and correct.

(c) Any Senator, including one who is not a member of the committee, may question a witness at a hearing. This right shall not be construed to abridge the chair's right to provide others an opportunity to be heard or to entitle any Senator more rights than those afforded a member of the committee.

(d) When possible a person registered as a lobbyist and representing a client's interest at a public hearing shall submit a written statement of his or her presentation to the committee clerk for inclusion in the permanent record of the meeting.

(e) By majority vote a committee may fix the order of appearance and time allotted for each witness at a public hearing.

#### PRIVILEGED NOTICE OF HEARING ON SPECIFIC BILLS

##### (TAG RULE)

Rule 11.20. (a) Except as provided in Subsection (d) of this rule, upon the presentation of a written request to the Secretary of the Senate on a form provided by the Secretary, a Senator shall receive at least 48 hours advance written notice of the time and place set for a public hearing on a specific bill or resolution which has been referred to a Senate committee.

(b) If the bill or resolution is on the agenda of a committee and the committee meeting has already begun to consider matters on the agenda, the request shall be presented to the chair of the committee rather than the Secretary of the Senate, and the chair shall note the time of the receipt of the request on the request form and immediately deliver the form to the Secretary. After receipt of the request by the chair, the bill shall not be laid before the committee until notice is delivered to the Senator in accordance with this rule.

(c) If requests are filed simultaneously by more than one Senator, each Senator is entitled to advance notice in compliance with this rule.

(d) A Senator is not entitled to advance notice of the time and place set for a public hearing on a bill or resolution if:

(1) the time and place for a hearing on the bill has been publicly posted for a period of 72 hours and the Senate has been in session at any time during the first 24 hours of the 72-hour period;

(2) at the request of the chair of the committee or subcommittee to which the bill is referred, the Secretary of the Senate notifies each Senator in

writing of the time and place for the hearing on the bill at least 48 hours before the hearing begins;

(3) the bill has been laid before a committee or subcommittee for consideration in a public hearing at which an opportunity to appear and address the subject matter of the bill or resolution was or is afforded to interested parties; or

(4) another Senator has previously presented a similar request to the Secretary or the chair and the bill or resolution has been set for public hearing in compliance with that request.

(e) Upon receipt of written request for advance notice of a hearing, the Secretary of the Senate shall:

(1) immediately inform the chair or in the absence of the chair the vice-chair of the request;

(2) note the time and date of receipt on the request and file a copy of the request for public inspection;

(3) attach a copy of the request to the bill or resolution to which it applies.

(f) The chair of the committee, upon posting a bill or resolution for public hearing in compliance with a request under this rule, shall give written notice to the Secretary of the Senate and the Senator requesting notice of the time and place fixed for the hearing on the bill or resolution.

(g) Notice delivered to the office of the Senator requesting 48 hours advance notice shall constitute official notice to that Senator:

(1) if that notice is delivered by the office of the Secretary of the Senate between the hours of 8:00 a.m. and 5:00 p.m. during days in which the Senate is convened; or

(2) if delivery of the notice to the Senator's office is acknowledged in writing by the Senator or by a member of his or her staff at the time of delivery as to date and hour.

(h) If a Senator withdraws a request for advance notice of a hearing on a bill or resolution, a subsequently filed request by another Senator shall be honored unless a hearing on the bill has already been posted in response to the first request.

(i) The President of the Senate shall ascertain the facts concerning the giving of a notice of a committee hearing on a bill, and the President's ruling as to the sufficiency of the notice based on the facts as ascertained by the President is the final determination of that point when no appeal from the ruling is made.

(j) If the provisions for requesting 48 hours advance notice before hearing of a Senate bill have been properly fulfilled and a House bill containing the same subject is before the committee, the House bill is considered to require the same 48 hours notice before hearing.

#### SUBPOENA AND PROCESS

Rule 11.21. (a) By a record vote of not less than two-thirds of its members, a standing committee of the Senate may issue process to compel the attendance of a witness or to compel a person, agency, or corporation to produce any book, record, document, or other evidence in his, her, or its possession and control before a proceeding of the committee. The committee

chair shall issue the subpoena or other process authorized by this rule in the name of the committee, and the subpoena must contain the following information:

- (1) a statement of the reason the committee is requesting the appearance of a person or the reason the committee is requesting the production of documents;
- (2) the name, address, and title or position of the person requested to appear;
- (3) the specific document or documents being requested; and
- (4) the specific time and place that the person is to appear or the specific place and time the documents are to be produced.

(b) Except as provided by this rule, the provisions of Sections 301.024, 301.025, 301.026, and 301.027, [~~Title 3, Texas~~] Government Code, apply to a subpoena or other process issued under this rule.

## ARTICLE XII CONFERENCE COMMITTEES

### APPOINTMENT OF CONFERENCE COMMITTEES

Rule 12.01. All conference committees of the Senate shall be selected and appointed by the President or the President Pro Tempore when the latter shall be presiding. The member authoring or sponsoring the bill for which the conference committee is selected shall be appointed chair of the Senate conferees. At least two of the Senate conferees must be from a standing committee which heard the bill.

### INSTRUCTIONS TO CONFERENCE COMMITTEES

Rule 12.02. Immediately after the Senate decides that any matter shall be submitted to a conference committee, the presiding officer shall state "Are there any motions to instruct the conference committee before appointment?" The presiding officer shall thereupon recognize members to make such motions to instruct and the Senate shall proceed to consider all such motions until disposed of or limited under the provisions of Rule 6.09.

### LIMITATIONS ON CONFERENCE COMMITTEE ACTIONS

Rule 12.03. Except as otherwise provided in this article, conference committees shall limit their discussions and their actions solely to the matters in disagreement between the two Houses. A conference committee shall have no authority with respect to any bill or resolution to:

- (1) change, alter, or amend text which is not in disagreement;
- (2) omit text which is not in disagreement;
- (3) add text on any matter which is not in disagreement;
- (4) add text on any matter which is not included in either the House or Senate version of the bill or resolution.

This rule shall be strictly construed by the presiding officer in each House to achieve the purposes hereof.

### CONFERENCE COMMITTEES ON APPROPRIATION BILLS

Rule 12.04. Conference committees on appropriation bills, like other conference committees, shall limit their discussions and their actions solely to the matters in disagreement between the two Houses. In addition to the limitations contained elsewhere in these rules, a conference committee on appropriation bills shall be strictly limited in its authority as follows:

(1) If an item of appropriation appears in both House and Senate versions of the bill, such items must be included in the conference report.

(2) If an item of appropriation appears in both House and Senate versions of the bill and in identical amounts, no change can be made in such item or the amount thereof.

(3) If an item of appropriation appears in both House and Senate versions of the bill but in different amounts, no change can be made in the item, but the amount thereof shall be at the discretion of the conference committee, provided that such amount shall not exceed the larger version and shall not be less than the smaller version.

(4) If an item of appropriation appears in one version of the bill and not in the other, such item can be included or omitted at the discretion of the conference committee. If the item is included, the amount thereof shall not exceed the sum specified in the version containing such item.

(5) If an item of appropriation appears in neither the House nor the Senate version of the bill, such item must not be included in the conference report. However, the conference committee report may include appropriations for purposes or programs authorized by bills that have been passed and sent to the Governor and may include contingent appropriations for purposes or programs authorized by bills that have been passed by at least one House.

This rule shall be strictly construed by the presiding officer in each House to achieve the purposes hereof.

#### CONFERENCE COMMITTEES ON TAX BILLS

Rule 12.05. Conference committees on tax bills, like other conference committees, shall limit their discussions and their actions solely to the matters in disagreement between the two Houses. In addition to the limitations contained elsewhere in these rules, a conference committee on a tax bill shall be strictly limited in its authority as follows:

(1) If a tax item appears in both House and Senate versions of the bill, such item must be included in the conference report.

(2) If a tax item appears in both House and Senate versions of the bill and in identical form and with identical rates, no change can be made in such item or the rate therein provided.

(3) If a tax item appears in both House and Senate versions of the bill but at differing rates, no change can be made in the item, but the rate thereof shall be determined at the discretion of the conference committee, provided that such rate shall not exceed the higher version and shall not be less than the lower version.

(4) If a tax item appears in one version of the bill and not in the other, such item can be included or omitted at the discretion of the conference committee. If the item is included, the rate thereof shall not exceed the rate specified in the version containing such item.

(5) If a tax item appears in neither the House nor the Senate version of the bill, such item must not be included in the conference report.

This rule shall be strictly construed by the presiding officer in each House to achieve the purposes hereof.

#### CONFERENCE COMMITTEES ON REAPPORTIONMENT BILLS

Rule 12.06. Conference committees on reapportionment bills, to the extent possible, shall limit their discussions and their actions to the matters in disagreement between the two Houses. Since the adjustment of one district in a reapportionment bill will inevitably affect other districts therein, the strict rule of construction imposed on other conference committees must be relaxed somewhat when reapportionment bills are involved. Accordingly, the following authority and limitations shall apply only to conference committees on reapportionment bills:

(1) If the matters in disagreement affect only certain districts and the other districts are identical in both House and Senate versions of the bill, the conference committee shall make adjustments only in those districts whose rearrangement is essential to the effective resolving of the matters in disagreement. All other districts shall remain unchanged.

(2) If the matters in disagreement permeate the entire bill and affect most, if not all, of the districts therein, the conference committee shall have wide discretion in rearranging the districts to the extent necessary to resolve all differences between the two Houses.

(3) Insofar as the actual structure of the districts is concerned and only to that extent, the provisions of [Senate] Rule 12.03 shall not apply to conference committees on reapportionment bills.

#### CONFERENCE COMMITTEES ON RECODIFICATION BILLS

Rule 12.07. Conference committees on recodification bills, like other conference committees, shall limit their discussions and their actions solely to the matters in disagreement between the two Houses. The comprehensive and complicated nature of recodification bills makes necessary the relaxing of the strict rule of construction imposed on other conference committees only to the following extent:

(1) If it develops in conference committee that material has been inadvertently included in both House and Senate versions which properly has no place in such recodification, such material may be omitted from the conference report, if by such omission the existing statute thereon is not repealed, altered, or amended.

(2) If it develops in conference committee that material has been inadvertently omitted from both the House and Senate versions which properly should be included if such recodification is to achieve its purposes of being all-inclusive of the statutes being recodified, such material may be added to the conference report, if by such addition the existing statute is merely restated without substantive change in existing law.

#### SUSPENSION OF CONFERENCE COMMITTEE RULES

Rule 12.08. Limitations imposed on certain conference committees by the provisions of [Senate] Rules 12.03, 12.04, 12.05, 12.06, and 12.07 may be suspended, in part, by permission of the Senate to enable consideration of and action on a specific matter or matters which otherwise would be in violation thereof. Such permission shall be granted only by resolution passed by majority vote of the Senate, with yeas and nays thereon to be recorded in the journal of the Senate. Such resolution shall specify in detail: (1) the exact

nature of the matter or matters proposed to be considered; (2) the specific limitation or limitations to be suspended thereby; (3) the specific action contemplated by the conference committee thereon; and (4) the reasons why suspension of such limitations is being requested. In the application of this rule to appropriations bills, the resolution shall include a general statement outlining a proposed salary plan but need not include changes in amounts resulting from the salary plan and differences in language which do not affect the substance of the bill. Permission thus granted shall suspend such limitations only for the matter or matters clearly specified in the resolution, and action of the conference committee shall be in conformity therewith.

#### PRINTING AND NOTICE OF CONFERENCE COMMITTEE REPORTS

Rule 12.09. (a) ~~[All conference committee reports on bills other than the general appropriations bill and tax, reapportionment, and recodification bills must be reproduced and a copy thereof furnished to each member at least 24 hours before any action thereon can be taken; provided, however, that the 24-hour delay shall not apply during the last 48 hours of any session.]~~

~~[(b)]~~ All conference committee reports on the general appropriations bill, tax bills, and reapportionment bills~~[-and recodification bills]~~ must be reproduced and a copy thereof furnished to each member at least 48 hours before any action thereon ~~[can be taken]~~, if convened in regular session, and 24 hours, if convened in called session.

(b) All conference committee reports on other bills must be reproduced and a copy thereof furnished to each member at least 48 hours before any action thereon prior to the last 72 hours of a regular session, and 24 hours before any action thereon during a called session or the last 72 hours of a regular session.

#### SECTION-BY-SECTION ANALYSIS

Rule 12.10. Each conference committee report, regardless of its subject matter, must have attached thereto a section-by-section analysis showing the disagreements which have been resolved by the conference committee. This analysis must show for each and every disagreement in parallel columns: (1) the substance of the House version; (2) the substance of the Senate version; and (3) the substance of the recommendation by the conference committee. No action shall be taken on any conference committee report in the absence of such analysis, except by an affirmative vote of two-thirds of the members present, with the yeas and nays thereon to be recorded in the journal.

#### ENFORCEMENT BY PRESIDENT

Rule 12.11. The President of the Senate shall rule out of order any conference committee report which is in violation of any of the provisions and limitations contained in these rules.

#### ARTICLE XIII COMMITTEE OF THE WHOLE SENATE RESOLVE INTO COMMITTEE OF THE WHOLE SENATE

Rule 13.01. It shall be in order for the Senate at any time after bills and resolutions have been called to resolve itself into a Committee of the Whole Senate.

CHAIR OF COMMITTEE OF THE  
WHOLE SENATE

Rule 13.02. In forming a Committee of the Whole Senate, the President shall leave the chair and shall appoint a chair to preside in committee.

RIGHT OF LIEUTENANT GOVERNOR TO  
DEBATE AND VOTE IN COMMITTEE OF THE WHOLE SENATE

Rule 13.03. When in Committee of the Whole Senate, the President shall have the right to debate and vote on all questions. (Constitution, Article IV, Section 16)

PROCEDURE IN COMMITTEE OF THE  
WHOLE SENATE

Rule 13.04. The rules of the Senate, as far as applicable, shall be observed in Committee of the Whole Senate.

DEBATE AND AMENDMENTS

Rule 13.05. Upon a matter being referred to a Committee of the Whole Senate or a subcommittee of a Committee of the Whole Senate, the matter shall be read and debated by clauses, leaving the preamble, if any, to be last considered. The body of the bill shall not be defaced or interlined, but all amendments, noting the page or line, shall be duly entered by the Secretary of the Senate or the clerk of the subcommittee on a separate sheet of paper as the same shall be agreed to by the committee and so reported to the Senate. After the report, the bill shall again be subject to be debated and amended or committed before a question to engross it be taken.

ARTICLE XIV

NOMINATIONS BY THE GOVERNOR  
REFERRAL TO COMMITTEE

Rule 14.01. When nominations shall be sent to the Senate by the Governor, a future day shall be assigned for action thereon, unless the Senate unanimously directs otherwise. They shall be referred directly to either the Committee on Nominations or the standing committee with jurisdiction over the subject matter involved, which shall hold hearings and report its actions directly back to the Senate.

NOTICE RULE

Rule 14.02. Nominations, having been reported out of the Nominations Committee or other appropriately designated standing committee, shall not be acted upon unless the names of the nominees or individual nominee shall have been printed and a copy thereof furnished to each member ~~[laid on the members' desks]~~ 24 hours beforehand.

EXECUTIVE SESSION OF COMMITTEE

Rule 14.03. Hearings on nominations by the proper committee shall be open meetings, unless an executive session is ordered by a majority vote of the membership of that committee.

REPORT TO GOVERNOR BY  
SECRETARY OF SENATE

Rule 14.04. All nominations approved or definitely acted on by the Senate shall be returned to the Governor by the Secretary of the Senate from day to day, as such proceedings may occur.

ARTICLE XV  
EXECUTIVE SESSIONS  
SECRECY OF EXECUTIVE SESSION

Rule 15.01. When the Senate is in executive session, the Senate Chamber and gallery shall be cleared of all persons except the Secretary of the Senate and the Sergeant-at-Arms who shall keep secret proceedings of such session until the injunction of secrecy is removed by unanimous vote of the Senate.

VOTE IN OPEN SESSION

Rule 15.02. Consideration of all information and remarks touching the character and qualifications of nominees for confirmation by the Senate shall be in open session unless an executive session is ordered by a proper motion adopted by a majority vote of the membership of the Senate. Members of the Senate shall vote to confirm or not to confirm in open session of the Senate, and the votes to confirm and not to confirm shall be entered in the journal of the Senate.

SENATOR CAN DISCLOSE OWN VIEWS

Rule 15.03. No member of the Senate shall be prohibited from revealing the member's own view on any matter or the member's vote on any matter pending or having been decided by the Senate.

VIOLATION OF SECRECY

Rule 15.04. Any officer or member convicted of violating any provision of either Rule 15.01 or 15.02 shall be liable, if an officer, to dismissal from the service of the Senate and, if a member, to expulsion.

REPORT OF EXECUTIVE SESSION TO  
BE RECORDED IN SENATE BOOK

Rule 15.05. The proceedings of the Senate, when in executive session, shall be kept in a separate book. The proceedings of the Senate, when in open session acting upon nominations made by the Governor, shall be entered in the journal of the Senate.

ARTICLE XVI  
VOTES REQUIRED TO ADOPT MOTIONS  
DEFINITIONS

Rule 16.01. The terms "unanimous consent," "four-fifths of the members of the Senate," "four-fifths of the members present," "two-thirds of the members of the Senate," "two-thirds of the members present," "a majority of the members of the Senate," and "a majority of the members present" are defined as follows:

(1) "Unanimous consent" means the consent of all of the members of the Senate who are present and voting on the issue at the time the vote is recorded.

(2) "Four-fifths of the members of the Senate" means four-fifths of the 31 elected members of the Senate.

(3) "Four-fifths of the members present" means four-fifths of the members of the Senate who are present and voting on the issue at the time the vote is recorded.

(4) "Two-thirds of the members of the Senate" means two-thirds of the 31 elected members of the Senate.

(5) "Two-thirds of the members present" means two-thirds of the members of the Senate who are present and voting on the issue at the time the vote is recorded.

(6) "A majority of the members of the Senate" means a majority of the 31 elected members of the Senate.

(7) "A majority of the members present" means a majority of the members of the Senate who are present and voting on the issue at the time the vote is recorded.

#### MATTERS REQUIRING UNANIMOUS CONSENT

Rule 16.02. Unanimous consent of the members present shall be required to:

- (1) suspend the Senate floor admission rules; Rule 2.07
- (2) suspend the local calendar rules; Rule 9.07
- (3) authorize committees or conference committees to meet during a session of the Senate; Rule 11.14
- (4) consider a nomination of the Governor without being referred to a committee; Rule 14.01
- (5) dispense with secrecy of executive session. Rule 15.01

#### MATTERS REQUIRING VOTE OF FOUR-FIFTHS OF MEMBERS OF SENATE

Rule 16.03. A vote of four-fifths of the members of the Senate shall be required to:

- (1) suspend the constitutional rule prohibiting consideration of a bill during the first 60 days of a regular session; Rule 7.13 (Constitution, Article III, Section 5) See note to Rule 7.13.
- (2) suspend the constitutional rule prohibiting introduction of a bill after the first 60 days of a regular session. Rule 7.07 (Constitution, Article III, Section 5) See note to Rule 7.07.

#### MATTERS REQUIRING VOTE OF FOUR-FIFTHS OF MEMBERS PRESENT

Rule 16.04. A vote of four-fifths of the members present shall be required to:

- (1) suspend the constitutional rule requiring bills to be read on three several days; Rule 7.18 (Constitution, Article III, Section 32) See note to Rule 7.18.
- (2) suspend the requirement that a bill be reported from a Senate committee at least 15 [three] days before final adjournment of a regular session; Rule 7.24 (Constitution, Article III, Section 37)
- (3) pass a bill on third reading after the 135th calendar day [within the last 24 hours] of a regular session; Rule 7.25. [~~See note to Rule 7.25.~~]
- (4) take any action on a bill except to correct an error therein; Rule 7.25.
- (5) suspend the Intent Calendar rules;[:] Rule 5.14.
- (6) reset a special order to earlier time. Rule 5.11.

#### MATTERS REQUIRING VOTE OF TWO-THIRDS OF MEMBERS OF SENATE

Rule 16.05. A vote of two-thirds of the members of the Senate shall be required for:

- (1) final passage of proposed amendment to the Constitution; Rule 10.02 (Constitution, Article XVII, Section 1)
- (2) immediate effect of a bill; (Constitution, Article III, Section 39)
- (3) the release of payment of taxes in cases of great public calamity; (Constitution, Article VIII, Section 10)
- (4) final passage of bills to reduce county to less area than 900 square miles; (Constitution, Article IX, Section 1)
- (5) passage of an address to the Governor for the removal of any civil officer; (Constitution, Article XV, Section 8)
- (6) expulsion of a member of the Senate; Rule 4.09 (Constitution, Article III, Section 11)
- (7) passage of House bills that have been returned by the Governor with objections. Rule 6.20. (Constitution, Article IV, Section 14)

MATTERS REQUIRING VOTE OF  
TWO-THIRDS OF MEMBERS PRESENT

Rule 16.06. A vote of two-thirds of the members present shall be required to:

- (1) impeach any officer; (Constitution, Article XV, Section 3)
- (2) pass a Senate bill that has been returned by the Governor with objections; Rule 6.20 (Constitution, Article IV, Section 14) See note to Rule 6.20.
- (3) confirm an appointee of the Governor, unless otherwise directed by law; (Constitution, Article IV, Section 12)
- (4) adopt an amendment at third reading of a bill or a joint resolution; Rules 7.19 and 10.02
- (5) suspend the floor privileges of a member of the Senate; Rule 4.07
- (6) suspend the regular order of business; Rule 5.13
- (7) excuse absentees; Rule 5.03
- (8) set a matter for special order; Rule 5.11. See note to Rule 5.11.
- (9) place a minority report on the calendar; Rule 11.18
- (10) rerefer a bill to another committee; Rule 6.08
- (11) suspend the section-by-section analysis on conference committee reports; Rule 12.10
- (12) suspend or rescind any rule of the Senate unless the rules specify a different majority; Rule 22.01
- (13) consider immediately petitions, concurrent and joint resolutions, or resolutions setting or defining legislative or state policy. Rule 8.02. See note to Rule 8.02.

MATTERS REQUIRING VOTE OF MAJORITY  
OF MEMBERS OF SENATE

Rule 16.07. A vote of the majority of the members of the Senate is required to:

- (1) pass a resolution initially adopting temporary or permanent rules of the Senate; Rule 21.01
- (2) adopt, amend, or rescind any [the] Joint Rules of the two Houses; Rules 21.02 and 22.02
- (3) adopt resolution to suspend conference committee rules; Rule 12.08

- (4) commit or recommit bill, resolution, or petition to a committee;  
Rule 6.08  
(5) hold an executive session; Rule 15.02  
(6) pass a resolution amending the Rules of the Senate.

**MATTERS REQUIRING VOTE OF  
MAJORITY OF MEMBERS PRESENT**

Rule 16.08. A vote of the majority of members present shall be required to:

- (1) elect officers; Rule 1.05  
(2) elect a member to preside; Rule 1.01  
(3) remove a member from the chair; Rule 4.08  
(4) pass a bill on second reading; Rule 7.17  
(5) pass a bill on third reading, except to give immediate effect to the bill as required by Rule 7.18;  
(6) adopt an amendment on second reading;  
(7) adopt a motion to reconsider vote; Rules 6.10 and 6.11  
(8) dispense with reading of papers; Rule 6.13. See note to Rule 6.13.  
(9) debate a congratulatory, memorial, or courtesy resolution; Rule 8.03. See note to Rule 8.03.  
(10) adopt a motion for previous question, after five seconds; Rule 6.09. See note to Rule 6.09.  
(11) adopt a motion for immediate ruling, after 10 seconds; Rule 6.12. See note to Rule 6.12.  
(12) concur in House amendments to Senate bills, except to give immediate effect to the bill as required by Rule 16.05(2);  
(13) adopt a Conference Committee Report, except to give immediate effect to the bill as required by Rule 16.05(2).

**MATTERS REQUIRING VOTE WHEN LESS  
THAN A QUORUM IS PRESENT**

Rule 16.09. When a quorum is not present, a majority of the members present may:

- (1) authorize a call of the Senate; Rule 5.04. See note to Rule 5.04.  
(2) authorize a call for absent members; Rule 5.02. See note to Rule 5.02.  
(3) adjourn or recess.

**ARTICLE XVII  
SENATE JOURNAL  
REASON FOR VOTE**

Rule 17.01. Any member shall have the privilege to have spread upon the journal of the Senate a brief statement of the member's reason for any vote he or she may cast. Such statement shall not deal in personalities or contain any personal reflection on any member of the Legislature, the Speaker, the Lieutenant Governor, or the Governor and shall not in any other manner transgress the rules or traditions of the Senate.

**JOURNAL OF SENATE**

Rule 17.02. The proceedings of the Senate, when not in Committee of the Whole Senate or in executive session, shall be entered on the journal as

concisely as possible, care being taken to detail a true and accurate account of the proceedings. The titles of the bills and such parts thereof only as shall be affected by proposed amendments shall be inserted in the journal. Every report of a committee and vote of the Senate and a brief statement of the contents of each memorial, petition, or paper presented to the Senate shall also be inserted in the journal. Resolutions of a congratulatory nature and resolutions recognizing visitors to the Senate shall not be numbered or printed in the journal, but the names of the sponsor and the persons concerned and the recognition accorded may be listed for each day at the end of the day's proceedings. ~~[Originals of congratulatory recognition and memorial resolutions shall be limited to five in number.]~~

#### RETURN OF VETOED SENATE BILLS

Rule 17.03. When a bill shall be returned to the Senate by the Governor, with the Governor's objections, it shall be entered at large upon the journal. (Constitution, Article IV, Section 14)

#### ARTICLE XVIII

##### MESSAGES TO AND FROM HOUSE

##### MESSAGES TO THE HOUSE

Rule 18.01. Messages, bills, resolutions, and other papers shall be sent to the House of Representatives by the Secretary of the Senate who shall previously endorse upon them the final determination of the Senate thereon.

##### MESSAGES FROM THE HOUSE

Rule 18.02. Messages may be received at any time, except while a question is being put, while the yeas and nays are being taken, or while the ballots are being counted.

#### ARTICLE XIX

##### AGENCY RULES

##### REFERRAL OF AGENCY RULES

Rule 19.01. The President shall refer to the appropriate standing committee each proposed agency rule on which notice is filed by an agency as required by the Administrative Procedure ~~[and Texas Register]~~ Act.

##### COMMITTEE ACTION

Rule 19.02. The committee on a vote of a majority of its members may transmit to the agency a statement supporting or opposing adoption of the proposed rule.

#### ARTICLE XX

##### WHEN SENATE RULES ARE SILENT

##### PRESIDENT OF SENATE DECIDES QUESTION

Rule 20.01. The President of the Senate shall decide all questions not provided for by the standing Rules of Order of the Senate and Joint Rules of Order of both branches of the Legislature, according to parliamentary practice laid down by approved authors.

##### APPEAL TO SENATE

Rule 20.02. The President's ruling is subject to appeal to the entire Senate.

#### ARTICLE XXI

##### ADOPTION OF RULES

##### SENATE RULES

Rule 21.01. The Senate shall at the beginning of each Legislative Session adopt temporary or permanent Senate rules by resolution of the

Senate. The Senate rules shall be adopted by a majority of the members of the Senate.

#### JOINT RULES

Rule 21.02. The House and Senate may adopt Joint Rules for the two Houses. Joint Rules may be adopted by a majority of the members of the Senate.

#### ARTICLE XXII

#### SUSPENSION, AMENDMENT, OR RESCISSION OF RULES

##### SENATE RULES

Rule 22.01. It shall require a vote of two-thirds of the members present to suspend any rule of the Senate, unless the rules specify a different majority. A majority of the members of the Senate may amend the Rules of the Senate by adoption of a Senate Resolution amending the rules, which resolution has been referred to and reported from a committee as otherwise required by these rules. Rule 16.06. See note to Rule 16.06.

##### JOINT RULES

Rule 22.02. It shall require a vote of a majority of the members of the Senate to suspend, amend, or rescind any [the] Joint Rules of the two Houses. Rule 16.07

The resolution was read.

Senator Sibley offered the following amendment to the resolution:

#### Floor Amendment No. 1

On page 30, amend Rule 7.04 to **SR 3** as follows:

Rule 7.04. (a) Beginning the first Monday after the general election preceding the next regular legislative session or within 30 days prior to any special session, it shall be in order to prefile with the Secretary of the Senate bills for introduction in that session.

(b) During the session bills may be filed for introduction with the Secretary at any time.

(c) Upon receipt of the bills the Secretary of the Senate shall number them and make them a matter of public record, available for distribution. Once a bill has been filed it may not be recalled.

The amendment was read and was adopted by a viva voce vote.

The resolution as amended was adopted by the following vote: Yeas 30, Nays 0.

#### GUEST PRESENTED

The President presented Governor George W. Bush to the Senate.

The Senate welcomed Governor Bush, who then addressed the Senate as follows:

Thank you very much. Governor Bullock, thank you very much. I'm most honored that you would invite me to this historic chamber on this historic day. I want to congratulate Senator Zaffirini. I heard the accolades for your nomination and your acceptance. I just don't want

you to take the job of being Governor too seriously, but when you assume that mantle, you'll do it with dignity and grace. To the new Members of the Senate, I welcome you. As I said last night, it's a big deal to be a State Senator from the great State of Texas, and I know you'll assume your responsibilities with seriousness and purpose.

To Lieutenant Governor, I not only value you, sir, as a mentor, as a great Texan, but as a great friend. Thank you for giving me the opportunity to come by to say hello and to participate on this historic ceremony and, as you like to say, sir, God bless the State Senate and God bless the great State of Texas.

#### **APPOINTMENT OF COMMITTEES**

The President announced the appointment of the following committees for the 75th Legislature:

##### **ADMINISTRATION**

Harris, Chair; Truan, Vice-chair; Armbrister, Brown, Moncrief, Ratliff, Sibley.

##### **COMMITTEE OF THE WHOLE SENATE ON LEGISLATIVE AND CONGRESSIONAL REDISTRICTING (Special)**

Barrientos, Chair; Brown, Vice-chair; Armbrister, Bivins, Cain, Carona, Duncan, Ellis, Fraser, Gallegos, Galloway, Harris, Haywood, Lindsay, Lucio, Luna, Madla, Moncrief, Nelson, Nixon, Patterson, Ratliff, Shapiro, Shapleigh, Sibley, Truan, Wentworth, West, Whitmire, Zaffirini, District 5.

##### **CRIMINAL JUSTICE**

Whitmire, Chair; Shapiro, Vice-chair; Duncan, Nelson, Patterson, Shapleigh, West.

##### **ECONOMIC DEVELOPMENT**

Sibley, Chair; Cain, Vice-chair; Duncan, Ellis, Harris, Haywood, Lucio, Madla, Patterson, Shapiro, Shapleigh.

##### **EDUCATION**

Bivins, Chair; Luna, Vice-chair; Barrientos, Fraser, Galloway, Haywood, Ratliff, Shapleigh, Sibley, West, Zaffirini.

##### **FINANCE**

Ratliff, Chair; Truan, Vice-chair; Armbrister, Barrientos, Bivins, Brown, Lucio, Moncrief, Nelson, Sibley, Wentworth, West, Zaffirini.

##### **GENERAL INVESTIGATING (Special)**

Moncrief, Chair; Harris, Vice-chair; Armbrister, Ellis, Wentworth.

##### **HEALTH AND HUMAN SERVICES**

Zaffirini, Chair; Nelson, Vice-chair; Carona, Gallegos, Galloway, Harris, Madla, Moncrief, Nixon, Patterson, West.

##### **INTERGOVERNMENTAL RELATIONS**

Lucio, Chair; Galloway, Vice-chair; Cain, Carona, Gallegos, Lindsay, Madla, Moncrief, Shapiro, Whitmire, District 5.

**INTERNATIONAL RELATIONS, TRADE, AND TECHNOLOGY**

Truan, Chair; Carona, Vice-chair; Armbrister, Bivins, Lindsay, Ratliff, Shapleigh, Sibley, District 5.

**JURISPRUDENCE**

Ellis, Chair; Harris, Vice-chair; Cain, Duncan, Luna, Wentworth, District 5.

**NATURAL RESOURCES**

Brown, Chair; Barrientos, Vice-chair; Bivins, Fraser, Haywood, Lindsay, Lucio, Nixon, Truan, Wentworth, District 5.

**SUBCOMMITTEE ON AGRICULTURE**

Haywood, Chair; Lucio, Vice-chair; Bivins, Fraser, District 5.

**SUBCOMMITTEE ON WATER**

Wentworth, Chair; Truan, Vice-chair; Barrientos, Lindsay, Nixon.

**NOMINATIONS**

Madla, Chair; Shapiro, Vice-chair; Barrientos, Brown, Gallegos, Haywood, Nixon.

**STATE AFFAIRS**

Armbrister, Chair; Nixon, Vice-chair; Cain, Carona, Ellis, Fraser, Gallegos, Galloway, Lindsay, Luna, Nelson, Shapiro, Whitmire.

**VETERAN AFFAIRS AND MILITARY INSTALLATIONS (Special)**

Patterson, Chair; Luna, Vice-chair; Brown, Fraser, Shapleigh.

(Senator Truan in Chair)

**MOTION IN WRITING**

Senator Brown submitted the following Motion in Writing:

Mr. President:

I move that the President be authorized to appoint two committees of five (5) Members to notify the Governor and House of Representatives that the Senate is organized and ready to transact business.

BROWN

The Motion in Writing was read and was adopted by a viva voce vote.

Accordingly, the Presiding Officer announced the appointment of the following:

Committee to Notify Governor

Brown  
Ratliff  
Armbrister  
Bivins  
Harris

Committee to Notify House  
of Representatives

Carona  
Duncan  
Fraser  
Lindsay  
Shapleigh

**SENATE BILLS ON FIRST READING**

The following bills were introduced, read first time, and referred to the committees indicated:

**SB 97** by Moncrief, Armbrister, Barrientos, Bivins, Brown, Cain, Carona, Duncan, Ellis, Fraser, Gallegos, Galloway, Harris, Haywood, Lindsay, Lucio, Luna, Madla, Moncrief, Nelson, Nixon, Patterson, Ratliff, Shapiro, Shapleigh, Sibley, Truan, Wentworth, West, Whitmire, Zaffirini  
Relating to the prosecution, punishment, and sentencing of a defendant charged with the offense of stalking. (Submitted by Governor as an emergency matter)  
To Committee on Criminal Justice.

**SB 195** by Harris  
Relating to the creation, purpose, implementation, and funding of the County Park Beautification and Improvement Program.  
To Committee on Administration.

(President in Chair)

**SENATE RULE 11.19 SUSPENDED  
(Posting Rule)**

On motion of Senator Whitmire and by unanimous consent, Senate Rule 11.19 was suspended in order that the Committee on Criminal Justice might consider **SB 97** at 9:00 a.m. tomorrow.

**SENATE RULE 11.19 SUSPENDED  
(Posting Rule)**

On motion of Senator Truan and by unanimous consent, Senate Rule 11.19 was suspended in order that the Committee on Administration might consider **SB 195** upon adjournment today.

**MOTION TO ADJOURN**

On motion of Senator Truan and by unanimous consent, the Senate at 1:05 p.m. agreed to adjourn, upon completion of the introduction of bills and resolutions on first reading, until 11:00 a.m. tomorrow.

**SENATE BILLS AND RESOLUTIONS ON FIRST READING**

The following bills and resolutions were introduced, read first time, and referred to the committees indicated:

**SB 5** by Ratliff  
General Appropriations Bill.  
To Committee on Finance.

**SB 35** by West, Wentworth, Lucio, Shapiro, Bivins, Cain, Ellis, Gallegos, Harris, Haywood, Carona, Lindsay, Patterson, Whitmire, Zaffirini, Armbrister, Truan, Brown, Duncan, Madla, Moncrief, Nelson, Nixon, Ratliff, Shapleigh, Sibley, Barrientos, Fraser, Galloway, Ogden  
Relating to driving while intoxicated or under the influence of alcohol by a minor and other actions of a minor concerning the acquisition, possession, and use of alcohol; providing penalties.  
To Committee on Criminal Justice.

**SB 36 by Nelson**

Relating to the eligibility of certain offenders for release on parole or mandatory supervision.

To Committee on Criminal Justice.

**SB 37 by Nelson**

Relating to the authority of the Texas Board of Criminal Justice to provide maximum flexibility to the department in the use of space and programs.

To Committee on Criminal Justice.

**SB 38 by Nelson**

Relating to the punishment and eligibility for release on parole of criminal defendants who commit certain sexual offenses and sexually assaultive offenses against children.

To Committee on Criminal Justice.

**SB 39 by Nelson**

Relating to access to certain obstetric or gynecological health care under a health benefits plan.

To Committee on Economic Development.

**SB 40 by Nelson**

Relating to minimum coverage under certain health benefit plans for inpatient stays and postpartum care following the birth of a child.

To Committee on Economic Development.

**SB 41 by Nelson**

Relating to a discount on workers' compensation insurance premiums for certain employers who maintain a drug-free workplace.

To Committee on Economic Development.

**SB 42 by Nelson**

Relating to the civil and criminal consequences of an offense involving the operation of a motor vehicle by a person under the age of 21 while under the influence of alcohol or certain substances; providing penalties.

To Committee on Criminal Justice.

**SB 43 by Nelson**

Relating to the representation of a person before an executive state agency by a member of the legislature.

To Committee on State Affairs.

**SB 44 by Nelson**

Relating to primary election dates and procedures and related dates.

To Committee on State Affairs.

**SB 45 by Nelson**

Relating to the period for early voting by personal appearance.

To Committee on State Affairs.

**SB 46 by Shapiro**

Relating to the punishment for certain defendants convicted of assaultive offenses, including sexual assault, and for certain offenses committed with intent to commit assaults.

To Committee on Criminal Justice.

**SB 47 by Shapiro**

Relating to the eligibility for release on parole of certain dangerous offenders and to the imposition of post-imprisonment supervision on those offenders.

To Committee on Criminal Justice.

**SB 48 by Shapiro**

Relating to the definition of "victim" in the context of maintaining the confidentiality of a sex offense victim's identity.

To Committee on Criminal Justice.

**SB 49 by Shapiro**

Relating to the confidentiality of requests for information under the sex offender registration law.

To Committee on Criminal Justice.

**SB 50 by Shapiro**

Relating to the penalty for driving while a driver's license is invalid.

To Committee on Criminal Justice.

**SB 51 by Shapiro**

Relating to the forfeiture of good conduct time by certain inmates confined in the institutional division or a transfer facility of the Texas Department of Criminal Justice.

To Committee on Criminal Justice.

**SB 52 by Shapiro**

Relating to the validity of adoption orders.

To Committee on Jurisprudence.

**SB 53 by Shapiro**

Relating to coverage under certain health benefit plans for newborns and adopted children.

To Committee on Economic Development.

**SB 54 by Shapiro, Shapleigh**

Relating to access to certain obstetric or gynecological health care under a health benefit plan.

To Committee on Economic Development.

**SB 55 by Zaffirini, Moncrief, Shapleigh, Nelson, Harris, West**

Relating to the regulation of the sale or distribution of tobacco products; providing penalties.

To Committee on Health and Human Services.

**SB 56 by Zaffirini, Nelson**

Relating to eligibility for state matching funds assistance under the indigent health care law.

To Committee on Health and Human Services

**SB 57 by Zaffirini, Ellis, Truan**

Relating to participation of certain AFDC recipients in the job opportunities and basic skills (JOBS) training program.

To Committee on Health and Human Services.

**SB 58** by Zaffirini, Ellis, Truan

Relating to continued participation by certain AFDC recipients in the jobs opportunities and basic skills (JOBS) training program.  
To Committee on Health and Human Services.

**SB 59** by Zaffirini, Truan

Relating to time-limited benefits for certain AFDC recipients.  
To Committee on Health and Human Services.

**SB 60** by Zaffirini, Truan

Relating to parenting skills training for certain AFDC recipients.  
To Committee on Health and Human Services.

**SB 61** by Zaffirini, West, Gallegos

Relating to the penalty for failure to report abuse of persons who are elderly or disabled.  
To Committee on Health and Human Services.

**SB 62** by Patterson, Gallegos

Relating to the waiver of juvenile court jurisdiction over certain children.  
To Committee on Criminal Justice.

**SB 63** by Moncrief

Relating to the recommendations of certain local officials regarding the issuance of permits by the Texas Alcoholic Beverage Commission.  
To Committee on Intergovernmental Relations.

**SB 64** by Moncrief, Shapleigh, Nixon

Relating to minimum standards for smoking in certain public places or at certain public meetings; creating an offense and providing penalties.  
To Committee on Health and Human Services.

**SB 65** by Moncrief

Relating to the regulation of family homes that care for children that are not the caretaker's own; providing penalties.  
To Committee on Health and Human Services.

**SB 66** by Moncrief, West

Relating to notice to the public and to public officials concerning activities affecting certain community corrections facilities.  
To Committee on Criminal Justice

**SB 67** by Moncrief, West

Relating to purchasing procedures used by the institutional division of the Texas Department of Criminal Justice.  
To Committee on Criminal Justice.

**SB 68** by Moncrief

Relating to the priority given to the hearing of certain matters by trial courts.  
To Committee on Criminal Justice.

**SB 69** by Haywood

Relating to the control and management of university property by the board of regents of Midwestern State University.  
To Committee on Education.

**SB 70** by Haywood

Relating to the eligibility of substitute teachers for unemployment compensation benefits.

To Committee on Economic Development.

**SB 71** by Haywood

Relating to the punishment for certain defendants convicted of the offense of issuance of a bad check.

To Committee on Criminal Justice.

**SB 72** by Haywood

Relating to the disclosure of certain information relating to certain patients of a physician.

To Committee on Health and Human Services.

**SB 73** by Haywood

Relating to financial statements filed by judges of statutory county courts and statutory probate courts.

To Committee on State Affairs.

**SB 74** by Haywood

Relating to testing persons for reportable diseases.

To Committee on Health and Human Services.

**SB 75** by Haywood

Relating to requiring defendants charged with certain assaultive offenses to submit to testing for AIDS or HIV.

To Committee on Health and Human Services.

**SB 76** by Haywood, Ellis, West

Relating to the dedication of certain lottery revenue for the use of local governments.

To Committee on Finance.

**SB 77** by Shapiro, Whitmire

Relating to court-ordered mental health services for a sexually violent predator.

To Committee on Criminal Justice.

**SB 78** by Ellis, Patterson, Whitmire, West

Relating to punishment for the offense of arson.

To Committee on Criminal Justice.

**SB 79** by Ellis, Patterson, Cain, Barrientos, West, Madla, Sibley, Gallegos, Lindsay, Moncrief, Whitmire, Armbrister, Luna, Zaffirini

Relating to certain insurance covering church property; providing a penalty.

To Committee on Economic Development.

**SB 80** by Ellis, Gallegos, Moncrief

Relating to the prosecution of and punishment for an offense motivated by bias or prejudice.

To Committee on Criminal Justice.

**SB 81** by Ellis, Wentworth, Cain

Relating to the punishment for and the jurisdiction over certain traffic offenses committed by minors.

To Committee on Jurisprudence.

**SB 82** by Ellis, Gallegos, Carona, Lindsay, Whitmire, Nixon

Relating to written communications used by voters in a polling place.

To Committee on State Affairs.

**SB 83** by Ellis, Gallegos

Relating to the registration of voters at a polling place.

To Committee on State Affairs.

**SB 84** by Moncrief, West

Relating to the abolition of the Texas Board of Nursing Facility Administrators and the transfer of the regulation of nursing facility administrators to the Texas Department of Human Services; providing penalties.

To Committee on Health and Human Services.

**SB 85** by Moncrief

Relating to surrogate decision making.

To Committee on Health and Human Services.

**SB 86** by Shapiro, Ogden, Patterson, Carona, Harris, Haywood, Lucio,

Ratliff, Bivins, Sibley, Armbrister, Nixon, Nelson, Galloway, Fraser, Brown

Relating to parental notification before an abortion may be performed on a minor; providing a criminal penalty.

To Committee on Health and Human Services.

**SB 87** by West

Relating to the authority of certain federal peace officers to enforce state law relating to driving while intoxicated.

To Committee on International Relations, Trade, and Technology.

**SB 88** by West, Duncan

Relating to a graduated driver's licensing program.

To Committee on Criminal Justice.

**SB 89** by West

Relating to a fictitious, forged, or counterfeit driver's license, personal identification certificate, or other instrument; providing penalties.

To Committee on Criminal Justice.

**SB 90** by Moncrief

Relating to the imposition of administrative penalties for certain violations by personal care facilities regulated by the Texas Department of Human Services.

To Committee on Health and Human Services.

**SB 91** by Patterson

Relating to the qualifications of a member of the board of directors of an appraisal district.

To Committee on Intergovernmental Relations.

**SB 92** by Patterson

Relating to the authority of the Bayview Municipal Utility District of Galveston County to install and assess for street lighting.  
To Committee on Intergovernmental Relations.

**SB 93** by Patterson

Relating to providing notice to property owners of the right to protest a property tax matter.  
To Committee on Intergovernmental Relations.

**SB 94** by Patterson

Relating to the creation, extension, renewal, or modification of deed restrictions applicable to certain residential real estate subdivisions.  
To Committee on Jurisprudence.

**SB 95** by Patterson, Galloway

Relating to the immediate qualification for an ad valorem tax exemption for a church or other nonprofit organization.  
To Committee on Finance.

**SB 96** by Ellis

Relating to the regulation of political contributions and political expenditures in connection with certain judicial candidates and officeholders.  
To Committee on State Affairs.

**SB 98** by Zaffirini, Shapleigh, Shapiro, Truan

Relating to a prohibition of discrimination in the determination of eligibility for employment and insurance coverage based on the use of certain genetic tests and to limitations on the use of information derived from those tests.  
To Committee on Economic Development.

**SB 99** by Patterson, Armbrister

Relating to the wearing of protective headgear by certain motorcycle operators and passengers.  
To Committee on State Affairs.

**SB 100** by Patterson

Relating to participation by home school students in University Interscholastic League sponsored activities; providing an administrative penalty.  
To Committee on Education.

**SB 101** by Haywood

Relating to proof of financial responsibility for reinstatement of a driver's license or nonresident's operating privilege.  
To Committee on Economic Development.

**SB 102** by Zaffirini, Barrientos, Luna, Madla, Nelson, Truan, Wentworth

Relating to the creation and use of an emergency medical services and trauma care system fund.  
To Committee on Finance.

**SB 103 by Nelson**

Relating to indicating on a driver's license or personal identification card if the holder of the license or card is a person convicted of certain sex offenses.

To Committee on Criminal Justice.

**SB 104 by Nelson**

Relating to prohibiting former members of the legislature from engaging in lobbying activities; providing a criminal penalty.

To Committee on State Affairs.

**SB 105 by Nelson, West**

Relating to the dedication of revenue derived from the state lottery to the foundation school fund.

To Committee on Finance.

**SB 106 by Haywood**

Relating to the reimbursement to Wilbarger County for use of the district attorney's office to prosecute mental health matters involving persons residing outside the county.

To Committee on Intergovernmental Relations.

**SB 107 by Patterson, Ellis**

Relating to a notice of homestead foreclosure information required for the sale of certain residential real property.

To Committee on State Affairs.

**SB 108 by Cain**

Relating to conditions of community supervision, parole, and mandatory supervision for certain violent offenders.

To Committee on Criminal Justice.

**SB 109 by Haywood**

Relating to the service areas of certain junior college districts.

To Committee on Education.

**SB 110 by Haywood**

Relating to permitting county law enforcement authorities to receive reduced airfare while engaged in certain official business.

To Committee on State Affairs.

**SB 111 by Haywood**

Relating to the exemption of certain state employees from professional licensing fees.

To Committee on Finance.

**SB 112 by Haywood**

Relating to the punishment and sentencing for persons convicted of certain oil-field thefts.

To Committee on Criminal Justice.

**SB 113 by Moncrief, West**

Relating to the duty of the pardons and paroles division of the Texas

Department of Criminal Justice to notify law enforcement of a prisoner's pending release or transfer to a halfway house.  
To Committee on Criminal Justice.

**SB 114** by Brown

Relating to the procedural requirements and grounds for reversing a criminal case on appeal.  
To Committee on Criminal Justice.

**SB 115** by Zaffirini

Relating to certain investigations conducted by the Department of Protective and Regulatory Services.  
To Committee on Health and Human Services.

**SB 116** by Zaffirini, Gallegos

Relating to investigations of alleged abuse, neglect, or exploitation of individuals in certain facilities.  
To Committee on Health and Human Services.

**SB 117** by Zaffirini

Relating to the definitions of "abuse" and "neglect" for purposes of investigations concerning children in certain facilities.  
To Committee on Health and Human Services.

**SB 118** by Zaffirini

Relating to placement of certain children in certain long-term care institutions.  
To Committee on Health and Human Services.

**SB 119** by Ellis

Relating to the definition of "school" for purposes of enhancing the punishment for certain offenses committed in a drug-free school zone.  
To Committee on Criminal Justice.

**SB 120** by Madla, Ellis, West, Luna

Relating to the designation of a portion of United States Highway 87 in Bexar County as the Bishop Ernest T. Dixon, Jr., Parkway.  
To Committee on International Relations, Trade, and Technology.

**SB 121** by Bivins, West

Relating to the use of closed circuit television to enter a plea or waive a right in a criminal case.  
To Committee on Criminal Justice.

**SB 122** by Bivins, Shapiro, Nelson

Relating to the representation of a person before an executive state agency by a member of the legislature.  
To Committee on State Affairs.

**SB 123** by Bivins

Relating to the treatment of repeat sex offenders.  
To Committee on Criminal Justice.

**SB 124 by Bivins**

Relating to the creation of an offense for using, making, or presenting a false court record.

To Committee on Jurisprudence.

**SB 125 by Bivins**

Relating to graduated driver licensing.

To Committee on Criminal Justice.

**SB 126 by Bivins**

Relating to a tax exemption for hydrocarbon production from certain inactive oil and gas leases returned to production.

To Committee on Finance.

**SB 127 by Galloway, Lindsay**

Relating to annexations by a municipality.

To Committee on Intergovernmental Relations.

**SB 128 by Haywood**

Relating to tuition and fees charged to certain military personnel for certain courses at Midwestern State University.

To Committee on Finance.

**SB 129 by Nixon**

Relating to the appearance of an attorney in a court of this state.

To Committee on Jurisprudence.

**SB 130 by West**

Relating to the appointment of election judges for county election precincts.

To Committee on State Affairs.

**SB 131 by Bivins**

Relating to removal of a public school student from the classroom.

To Committee on Education.

**SB 132 by Bivins**

Relating to placement of a public school student in an alternative education program.

To Committee on Education.

**SB 133 by Bivins**

Relating to the placement of a student in an alternative education program.

To Committee on Education.

**SB 134 by Bivins**

Relating to the expulsion of public school students for drug, alcohol, or abusable inhalant use.

To Committee on Education.

**SB 135 by Bivins**

Relating to the immunity from liability of juvenile boards and their employees and volunteers in relation to certain responsibilities.

To Committee on Jurisprudence.

**SB 136** by Bivins

Relating to placement of a student who is expelled from public school in a juvenile justice alternative education program.  
To Committee on Jurisprudence.

**SB 137** by Bivins

Relating to the removal of certain students to an alternative education program.  
To Committee on Education.

**SB 138** by Bivins

Relating to mandatory public school attendance by certain expelled students.  
To Committee on Education.

**SB 139** by Bivins

Relating to curriculum requirements for alternative education programs and juvenile justice alternative education programs.  
To Committee on Education.

**SB 140** by Bivins

Relating to expulsion of a public school student from an alternative education program.  
To Committee on Education.

**SB 141** by Cain

Relating to the power of a county to seize and sell abandoned real property for delinquent ad valorem taxes.  
To Committee on Intergovernmental Relations.

**SB 142** by Harris

Relating to death of a viable fetus; providing penalties.  
To Committee on Health and Human Services.

**SB 143** by Harris

Relating to the punishment for the offense of cruelty to animals.  
To Committee on Criminal Justice.

**SB 144** by Harris

Relating to the eligibility of certain sex offenders for deferred adjudication.  
To Committee on Criminal Justice.

**SB 145** by Nixon

Relating to the acceptance of gifts by state agencies.  
To Committee on State Affairs.

**SB 146** by Nixon

Relating to the acceptance of gifts by state agencies.  
To Committee on State Affairs.

**SB 147** by Shapiro

Relating to the definition of emergency care for health insurance policies and health benefit plans provided by health maintenance organizations.  
To Committee on Economic Development.

**SB 148 by Bivins, Cain**

Relating to the development of certain curricula by the Texas Higher Education Coordinating Board.

To Committee on Education.

**SB 149 by Bivins**

Relating to post-tenure evaluation of faculty tenured at certain institutions of higher education.

To Committee on Education.

**SB 150 by Bivins**

Relating to a common admission application form at certain institutions of higher education.

To Committee on Education.

**SB 151 by Bivins**

Relating to a secondary assessment instrument for certain public school students.

To Committee on Education.

**SB 152 by Bivins**

Relating to certain reports on the academic performance of students at institutions of higher education.

To Committee on Education.

**SB 153 by Barrientos, Harris**

Relating to minimum coverage under certain health benefit plans for inpatient stays and postdelivery care following the birth of a child.

To Committee on Economic Development.

**SB 154 by Madla**

Relating to the establishment of an advisory committee to the Texas Workforce Commission on apprenticeship and job-training issues.

To Committee on Economic Development.

**SB 155 by Nixon**

Relating to the eligibility of a person who is delinquent in the payment of taxes to be a candidate for or to hold elective office.

To Committee on State Affairs.

**SB 156 by Nixon**

Relating to directional signs on public highways for major agricultural interests.

To Committee on Natural Resources, Subcommittee on Agriculture.

**SB 157 by Haywood**

Relating to the reimbursement to Wilbarger County for use of the county attorney's office to prosecute mental health matters involving persons residing outside the county.

To Committee on Intergovernmental Relations.

**SB 158 by Shapiro**

Relating to requiring a declaration of write-in candidacy in an election for

the members of the governing body of a junior college district or the board of a hospital district.

To Committee on State Affairs.

**SB 159** by Haywood, Brown, Nelson, Nixon, Ogden, Shapiro, Sibley, Bivins, Wentworth

Relating to permitting county law enforcement authorities to receive reduced airline fares while engaged in certain official duties.

To Committee on State Affairs.

**SB 160** by Brown

Relating to prosecution of the offense of tampering with or fabricating physical evidence.

To Committee on Criminal Justice.

**SB 161** by Lindsay

Relating to the authority of the commissioners courts of certain counties to alter speed limits on certain highways.

To Committee on Intergovernmental Relations.

**SB 162** by Barrientos, Ellis, Carona, Shapleigh

Relating to prevention and treatment of diabetes.

To Committee on Health and Human Services.

**SB 163** by Zaffirini, Duncan, Carona, Lucio, Shapleigh

Relating to coverage under health benefit plans for certain supplies and services associated with the treatment of diabetes.

To Committee on Economic Development.

**SB 164** by Haywood

Relating to the law enforcement authority of certain criminal investigators of the United States with respect to violations of state law.

To Committee on International Relations, Trade, and Technology.

**SB 165** by Luna, Wentworth

Relating to the imposition of interest on delinquent child support payments.

To Committee on Jurisprudence.

**SB 166** by Harris

Relating to deferral of proceedings for certain traffic offenses for completion of a driving safety course.

To Committee on Jurisprudence.

**SB 167** by Harris

Relating to the offense of failing to pay the wages of an employee.

To Committee on Economic Development.

**SB 168** by Haywood

Relating to performance incentives for high-performing public schools.

To Committee on Education.

**SB 169** by Haywood

Relating to lottery tickets stolen from a lottery sales agent.

To Committee on State Affairs.

**SB 170 by West**

Relating to the rights of a victim of a delinquent child.  
To Committee on Criminal Justice.

**SB 171 by Barrientos, Ellis**

Relating to the establishment of the Texas Opportunity Scholarship to exempt high-performing high school graduates from tuition and fees at public institutions of higher education.  
To Committee on Finance.

**SJR 6 by Nelson**

Proposing a constitutional amendment to reserve to the people the powers of initiative and referendum.  
To Committee on State Affairs.

**SJR 7 by Nelson**

Proposing a constitutional amendment to limit the time that a person may serve in legislative office or in certain elective executive offices.  
To Committee on State Affairs.

**SJR 8 by Cain**

Proposing a constitutional amendment to provide for submitting certain legislation to the voters for their approval.  
To Committee on State Affairs.

**SJR 9 by Bivins**

Proposing a constitutional amendment to limit the time that a person may serve in legislative office or in certain elective executive offices.  
To Committee on State Affairs.

**SJR 10 by Wentworth**

Ratifying a proposed amendment to the Constitution of the United States providing for a federal balanced budget.  
To Committee on Finance.

**SJR 11 by Nixon**

Proposing a constitutional amendment relating to the eligibility of a person who is delinquent in the payment of taxes to be a candidate for or to hold elective office.  
To Committee on State Affairs.

**SCR 1 by West**

Encouraging public school superintendents to enhance driver education curriculum to emphasize alcohol awareness education.  
To Committee on Education.

**SCR 2 by West**

Encouraging justice of the peace and municipal courts to utilize identified alcohol prevention/education-related activities as community service projects.  
To Committee on Jurisprudence.

**SCR 3** by Patterson

Granting Dr. Helen Li permission to sue the state and The University of Texas Medical School at Houston.  
To Committee on Finance.

**ADJOURNMENT**

Pursuant to a previously adopted motion, the Senate at 1:33 p.m. adjourned until 11:00 a.m. tomorrow.